

MEMORANDUM

To: Mayor and City Council

From: Richard Hathcock, Senior Planner

Date: December 14, 2020

Subject: RZ 20-04: Perimeter Sterling properties, LLLP seeks to rezone the properties located at 301 and 303 Perimeter Center North from their current OCRc (Office-Commercial-Residential) zoning classification to a PC-2 (Perimeter Center) District. The tax parcel number for the sites are 18 350 01 009 and 18 350 01 011.



BACKGROUND

The subject site consists of two lots of record, owned in common totaling approximately 4.15 acres. The property consists of a corner lot (303 Perimeter Center North), which fronts Perimeter Center North to the north and east. The second lot (301 Perimeter Center North) fronts Perimeter Center North to north and 303 Perimeter Center North to the east. The site currently contains an eight story office building, a six story office building and a seven level parking deck. The site is zoned OCR conditional and is found within the Perimeter Center Overlay.

SITE PLAN ANALYSIS

In 2013, the properties were rezoned from OCR conditional to OCR conditional (RZ 13-051) to allow for the development of a hotel, an outparcel restaurant, a parking deck, and a outparcel retail space on abutting lots. This rezoning allowed 301 and 303 Perimeter Center North to remain, as existing structures with no changes.

Around the same time, the site also received a special land use permit to increase the height of the hotel up to eight stories and a parking garage up to three stories (SLUP 13-051). This special land use permit did not affect the existing structures on 301 and 303 Perimeter Center North.

Due to economic changes that have occurred in the market, the applicant proposes to rezone the subject properties to a PC-2 (Perimeter Center) District. This change is in line with the Comprehensive Plan and Zoning Ordinance. The Perimeter Center zoning classifications were approved by City Council in 2016 and is reflected in the 2015-2035 Comprehensive Plan.

The applicant is not requesting to make any changes to the existing structures. They will be utilizing the existing office buildings and parking deck to accommodate existing tenants and any new tenants.

SURROUNDING LAND ANALYSIS

The land uses around the site consists of an apartment complex to the north and east, and an electrical substation to the south. Retail and restaurant uses (Sterling Point) are found west of the site.

Direction	Zoning	Future Land Use	Current Land Use
N	O-I	Perimeter Center	Apartment Complex
S	O-I	Perimeter Center	Southern Company Substation
E	O-I	Perimeter Center	Apartment Complex
W	C-1	Perimeter Center	Retail/Restaurants/Hotel

ZONING AMENDMENT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-335 identifies criteria for evaluating applications for zoning amendments. No application for an amendment shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;

The future land use map identified in the "2015-2035 Comprehensive Plan" (Plan) identifies the future land use of subject property as a Perimeter Center ("PC") District, which is consistent with this zoning request. In addition, the Plan identifies that the subject site be made up of "employment uses, residential buildings, and limited shop front retail, and services", and be developed into livable center that include a mix of housing, first-class office, and retail in an environment that includes pedestrian and bicycle-oriented amenities, which aligns with the nature of this development.

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

In light of the mix of retail, restaurant, and multi-family uses nearby, the proposed rezoning and allowed uses would be suitable in the view of uses and developments of adjacent and nearby properties.

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

While the property has economic use as zoned, it remains limited in flexibility of tenants that would be allowed.

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 multi-family, retail and restaurant uses in the area. The zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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 Perimeter Center Overlay and PC districts were adopted in 2016. Emphasizing mixed-use development and high urban design standards, these requirements have begun to reshape the land use and urban design patterns within the Perimeter area.



Community Development

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

The zoning proposal will not affect historic buildings, sites, districts nor 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.

This proposal will not create an excessive or burdensome use of existing public infrastructure. The site is completely developed and is already served by water, power, sewer, and the Dunwoody MARTA station is within a mile of the development. The public right-of-ways along the existing frontages have sidewalks to support pedestrian traffic. Further, the proposed use will not create any additional burden on the existing schools in the area as the project contains no residential component.

SPECIAL LAND USE PERMIT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-359 identifies the following criteria to be applied by the department of planning, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Whether the proposed use is consistent with the policies of the comprehensive plan;

The proposed secondary educational use is consistent with the current Comprehensive Plan's vision for providing a mixed-use livable center, which calls for a "live-work" environment.

2. Whether the proposed use complies with the requirements of this zoning ordinance;

The plan appears to be substantially compliant with the proposed PC-2 zoning district classification. The proposal is to allow for approximately 40,000 square feet of administrative office, classroom, and support space within 303 Perimeter Center North, which has approximately 187,000 square feet of rentable square feet.

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;

The subject parcel does have adequate open-space with a plaza and landscaped with matures trees and other vegetation. There is a seven level parking deck to account for adequate off-street parking.

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 use will not generate adverse impacts from excessive noise, smoke, odor, dust, or vibration towards adjoining land uses.

- 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;

The hours of operation for the office/administrative uses will be between 8am and 6pm, Monday through Friday. The hours of operation for the school use will be primarily between 6 pm and 10:30 pm, Monday through Thursday with some classes 8 am to 5 pm, Monday through Thursday and Saturdays from 9 am to 4 pm. Staff does not believe this will create adverse impacts any adjoining lots.

- 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 use will not be substantially different from what is currently carried out in the existing office space.

- 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;

It is unlikely that adjacent land uses will be adversely affected by the volume of cars created by the proposed use, as it is currently within a busy commercial node. The proposed hours of operation are staged and predominantly outside of high volume traffic periods.

- 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 applicant is proposing to use existing structures with no new construction proposed.

- f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed plan will not have an impact on any historic buildings, sites, districts, or archaeological resources.

5. Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;

The current infrastructure is generally adequate to serve the proposed use. However, the Public Works Department has indicated that it would be

beneficial to have the right-of-way dedicated for future street improvements consistent with the Perimeter Center Overlay requirements for a minor parkway (six foot tree buffer and six foot sidewalk).

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 existing infrastructure has the capacity to adequately and safely control traffic flow.

7. Whether adequate provision has been made for refuse and service areas; and

Existing refuse and services are adequate.

8. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

No new structure is being proposed.

STAFF RECOMMENDATION

Based on the written findings above, staff recommends the request to rezone from OCRc to PC-2 be **approved**.

Based on the written findings above, staff recommends the request for a Special Land Use Permit for a secondary educational use to be approved with the following condition:

1. The secondary educational use shall be limited to 100,000 square feet between the two buildings (301 and 303 Perimeter Center North).

Planning Commission Recommendation

Approval with staff recommended conditions (11.10.2020).

Attachments

- Staff Memo
- Site Plan
- RZ20-04 Application Packet
- Zoning Map
- Dunwoody Comprehensive Plan Excerpt – Perimeter Center

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 350 01 009 and 18 350 01 011 IN CONSIDERATION OF ZONING CASE RZ 20-04 (301 and 303 Perimeter Center North, Dunwoody, Georgia 30346)

WHEREAS: Notice to the public regarding said modification to conditions of zoning has been duly published in *The Dunwoody Crier*, the Official News Organ of the City of Dunwoody, Georgia; and

WHEREAS, Perimeter Sterling Properties, LLLP seeks permission to rezone property from its current OCRc (Office, Commercial, Residential) District conditional zoning classification to a PC-2 (Perimeter Center) District in order to allow new development in the area; and

WHEREAS: the properties, Tax Parcels 18 350 01 009 and 18 350 01 011, are located on the southwestern side of Perimeter Center North at the intersection of Meadow Land Road, and consists of 4.15 acres; and

WHEREAS, the properties are currently developed and contain an eight story office building, a six story office building and a seven level parking deck; and

WHEREAS: the applicant is not requesting any new construction and the existing structures will require; and

WHEREAS, the Mayor and City Council find that the proposed use aligns with the Dunwoody Comprehensive Plan, which calls for the Perimeter Center District to be a livable, regional center with a mix of housing, first-class office and retail; 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: the Mayor and City Council have conducted a public hearing as required by the Zoning Procedures Act prior to adoption of this Ordinance.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY **ORDAIN AND APPROVE** the rezoning of said property from OCRc (Office, Commercial, Residential) District conditional zoning classification to a PC-2 (Perimeter Center) District subject to the following conditions:

Exhibit A: Site Plan dated 08-17-2015.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

1. The secondary educational use shall be limited to 100,000 square feet between the two buildings (301 and 303 Perimeter Center North).

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2020.

Approved by:

Lynn Deutsch, Mayor

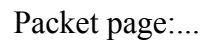
Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

Office of City Attorney

SEAL





Amendment Application

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

The requirements of this application apply to comprehensive plan land use map amendments, zoning map amendments, zoning ordinance text amendments and major amendments to one or more conditions attached to previously approved zoning map amendments. If an applicant needs to further relax the dimensional standards of the Zoning/Land Development Ordinances for a specific property for the purpose of construction, s/he can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but these applications will not occur concurrently, and the approval of one does not indemnify the approval of the other. The City Council, following recommendation by the Planning Commission, shall determine whether the proposed amendment meets the applicable requirements.

No application for an amendment to the land use plan or amendment to the official zoning map or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has conducted an applicant-initiated meeting in accordance with Chapter 27, Section 27-306. The purpose of the applicant-initiated meeting requirements is to help educate applicants for development approvals and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues. Written notice is required for all applicant-initiated meetings and will be sent via first class mail to the owners of all residentially zoned property within 1,000 feet of the boundaries of the subject property, as those property owners are listed on the tax records of DeKalb County. The notices must be mailed at least 20 days before the date of the applicant-initiated meeting. Written notices must indicate the nature of the application and the date, time, place and purpose of the meeting. All meetings will be held at a convenient time and location within the City of Dunwoody. At least seven days before but not more than 30 days before the date of the applicant-initiated meeting, notice of the meeting must be published in the official legal organ of the city. A notice of the meeting shall be sent to the city planner. If there is no residential zoning within 500 feet of the property under consideration, the applicant is exempt from neighbor communication summary requirements. A summary report containing the following information is required to be submitted with an application for an amendment at the time of application submittal:

1. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
2. Meeting location, date and time;
3. Who was involved in the discussions;
4. Suggestions and concerns raised by neighbors; and
5. What specific changes to the proposal were considered and/or made as a result of the meeting.

To initiate a request for an amendment within the City of Dunwoody, an applicant must also attend a preapplication conference (Pre-Application Review) with key City personnel. Those meetings are scheduled as-needed, but the deadline for having such a meeting is set to ensure the appropriate time for staff review and communication prior to the special land use application deadline. Those meeting deadlines may be modified based on the scope of the project and proportionate review time. The purpose of the PreApplication Review Process is to establish an expectation on the part of both staff and the applicant for the amendment process. At the meeting(s), the applicant should display any preliminary site plans and/or other illustrative documents as necessary. The applicant will then detail an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to effect the change proposed and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions. Following the Pre-Application Review Process, applicants can submit their application and required supplemental materials (detailed in the following checklist) to the Community Development Department, located at 4800 Ashford Dunwoody Road, Dunwoody, GA 30338. **The deadline to be placed on the next month's Planning Commission agenda is the first Tuesday of the month by 3 PM.**

Rezoning Application Checklist

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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- ☐ Neighbor Communications Summary Report (or site plan indicating no residential zoning within 500 feet of the property).
- ☐ Completed application with all applicable information.
- ☐ Electronic version of the entirety of your application submittal, saved as a single PDF
- ☐ Signed and notarized affidavits of all owners. Use application and attached sheet, as necessary.
- ☐ Signed and notarized affidavits of all applicants. Use application and attached sheet, as necessary.
- ☐ Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
 - a. All buildings and structures proposed to be constructed and their location on the property;
 - b. Height of proposed building(s);
 - c. Proposed use of each portion of each building;
 - d. All driveways, parking areas, and loading areas;
 - e. Location of all trash and garbage disposal facilities;
 - f. Setback and buffer zones required in the district in which such use is proposed to be located;
 - g. Landscaping plan for parking areas, streetscaping, common areas, and transitional buffers;
 - h. Written legal description which includes a narrative of the metes and bounds of the property matching the site plan; and
 - i. Building elevations or renderings that identify proposed materials.
- ☐ Survey of existing site conditions, signed and sealed by a surveyor or engineer licensed in the State of Georgia.
- ☐ Please respond to the following criteria based on the nature of your request, as required by state law and City of Dunwoody Zoning Ordinance (use additional pages where necessary):
- ☐ **Comprehensive Plan Land Use Map Amendments**
 - a. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property;
 - b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property;
 - c. Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - d. Whether the amendment is consistent with the written policies in the comprehensive plan text;
 - e. Whether there are environmental impacts or consequences resulting from the proposed change;
 - f. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near city boundary lines;
 - g. Whether there are other existing or changing conditions affecting the use and development of the affected land areas that support either approval or denial of the proposed land use change; and

- h. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

☐ **Zoning Map Amendments**

- a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
- b. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- 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;
- f. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- g. 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 following items may be required:

- ☐ Environmental Site Analysis Form
- ☐ Traffic Impact Study
- ☐ Development of Regional Impact Review
- ☐ Environmental Impact Report
- ☐ Overall Development Plan (Planned Developments)

AMENDMENT APPLICATION



Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

* Applicant Information:

Company Name:	Perimeter Sterling Properties, LLLP		
Contact Name:	Gil Hearn		
Address:	1170 Peachtree Street NE, Suite 2000, Atlanta, Georgia 30309		
Phone:	404-253-6359	Fax:	
Email:	gil@simpsonorg.com		
Pre-application conference date (required):			

* Owner Information: ☒ Check here if same as applicant

Owner's Name:			
Owner's Address:			
Phone:		Fax:	
Email:			

* Property Information:

Property Address:	301 and 303 Perimeter Center North, Atlanta, Georgia 30346		Parcel ID:	18 350 01 009 & 18 350 01 011
Current Zoning Classification:	ORCc			
Requested Zoning Classification:	PC-2			

* Applicant Affidavit:

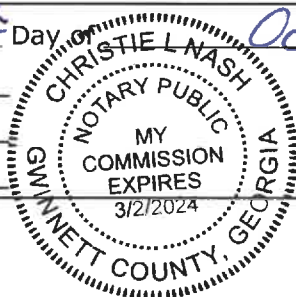
I hereby certify that to the best of my knowledge, this amendment application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that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

Applicant's Name: Perimeter Sterling Properties, LLLP (by TSO Sterling, LP, its general partner; by TSO Sterling General Partner, LP, its general partner, by TSO Sterling GP, SPE, Inc., its general partner, by A. Boyd Simpson, its CEO)

Applicant's Signature: [Signature] Date: 6 Oct 2020

* Notary:

Sworn to and subscribed before me this	6 th	Day of	October	, 2020
Notary Public:	Christie L. Nash			
Signature:	<u>[Signature]</u>			
My Commission Expires:	March 2, 2024			



Additional Property Owner(s) Notarized Certification

Community Development
4800 Ashford Dunwoody Road | Dunwoody, GA 30338
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 filing 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: _____		
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:		

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

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

Additional Applicant Notarized Certification

Community Development

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Phone: (678) 382-6800 | Fax: (770) 396-4828

I hereby certify that to the best of my knowledge, this 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:

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

* Applicant:

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

* Applicant:

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



Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting an amendment.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.



Campaign Disclosure Statement

Community Development

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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: Perimeter Shopping Properties, LLC

Signature: [Signature] Date: 6 OCT 2010
Address: 170 Peachtree Street, St 2000, Atlanta 30327

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

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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: *Counsel for Applicant*

Signature: *[Signature]* Date: *10/6/2020*
Address: *3343 Peachtree Road, Suite 1600 Atlanta, GA 30326*

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

Date	Government Official	Official Position	Description	Amount

Thresholds for Additional Studies, Reports, & Forms

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Traffic Impact Study: When a project equals or exceeds the thresholds listed below, a Traffic Impact Study must be submitted. The Traffic Impact Study shall be prepared by a qualified traffic engineer or transportation planner in accordance with professional practices.

Thresholds for Traffic Impact Study	
Use	Size
Single family residential	500 units
Multi-family residential	700 units
Office	300,000 square feet
Hospital	375 beds
Commercial	175,000 square feet
Hotel / Motel	600 rooms
Industrial	500,000 square feet
Any mixed-use development that exceeds 500 peak hours trips as based on the standards of the Institute of Transportation Engineers (ITE) Handbook.	

Development of Regional Impact (DRI): The Department of Community Affairs (DCA) has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Dunwoody. After the ARC/GRTA findings are complete, the rezoning/use permit request will be placed on the next available appropriate agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details, contact the ARC at www.georgiaplanning.com/planners/dri/ and GRTA at www.grta.org/dri/home/htm or at 404-463-3000.

Development of Regional Impact – Tiers and Development Thresholds	
Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 sq. ft. per unit toward the total gross sq. ft.); or covering more than 120 acres; or if any of the individual uses meet or exceed a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25% of capacity
Waste Handling Facilities	New facility or expansion of use of existing facility by 50% or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by 50%
Wastewater Treatment Facilities	New facility or expansion of existing facility by 50%
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

Environmental Impact Report: Projects having any appreciable impact on the environment --either on site or in the region-- as a result of this proposed action may be required to submit an Environmental Impact Report detailing the impact as a result of the proposed project, and the attenuation measures (Erosion/Sediment Control Plan, water quality devices, noise & lighting barricades, etc.) proposed.

Environmental Site Analysis (ESA) Form

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats

City of Dunwoody
Zoning Map Amendment Standards

a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;

The proposed rezoning of the property as Perimeter Center – 2 (PC2) is consistent with the policy of the comprehensive plan. The future land use element of the comprehensive plan indicates that the subject property is planned as the Perimeter Center area with the subarea of PC2. Generally, the Perimeter Center future land use district aims to create true “live-work” environments. Specifically, the PC2 Area seeks to achieve this through the inclusion of “primarily employment uses and limited shop front retail, residential, and services.”

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

The proposed rezoning, because of its location in the center of an area that is largely developed with multi-family residential, will help further the city’s effort to create a true live-work environment. Additionally, the inclusion of the proposed use at the property following a successful rezoning, creates an even larger mixed-use development as a part of a mixed-use node at the intersection of Ashford-Dunwoody Rd and Perimeter Center North. In sum, and as a generalized characterization, it is fair to conclude that the policies of the comprehensive plan seek to create a mixed-use, live-work environment that includes compatible and complimentary uses. The inclusion of the office and post-secondary educational use following rezoning at this location furthers that policy and will bolster the mix-use, live-work characteristics of the area.

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

The property to be affected by the zoning proposal does have an economic use but the current zoning and the existing vacancy suggests that the economic use is limited. The property is improved with multi-story office buildings with varying levels of demand for different tenant suites. Despite best marketing efforts, the available space in the 303 Perimeter Center Building has experienced particularly low demand with 6 full floors currently available and having sat vacant since late 2017/mid 2018. The 301 Perimeter Center Building has been vacant since 2015. Accordingly, while the subject property has a limited economic use as indicated by the lengthy vacancy, the proposed premises in the two buildings would activate otherwise unattractive and difficult to lease office space. By way of this proposed rezoning, vacancy at the building will be reduced, more jobs will be brought to the area, and more economic activity will occur in the area.

d. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The zoning proposal will not create any adverse impacts on any adjoining land use. The immediately adjoining land uses include other office buildings and retail. They are located in the same zoning district and have the same future land use plan designation. There are multi-family residential uses located across Perimeter Center North. The proposed office and post-secondary educational use will be complimentary to the uses in the immediately surrounding area. By virtue of the multi-family residential projects in the

area, it is conceivable that some employees and/or students will reside in proximity and create additional foot traffic for the retail in the area while not increasing vehicular traffic. Additionally, the proposed use will not be a generator of noise, smoke, odor, dust or vibrations as the proposed use will be consistent with that of other offices in the area and other post-secondary educational facilities.

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;

There are no existing or changing conditions on the site that are affecting the use and development of the property. However, considering the age of the buildings and the desire for more newly designed office space with modern design characteristics many companies are seeking brand new or buildings for leased space. Here, these two buildings have been around since the 1980's and do not have some of the same interior architectural and design features that are accommodating and inviting to today's office tenants. As such, creativity is required when attempting to lease up buildings such as these. While there are no physical existing or changing conditions on the site, there are workplace culture type conditions that have changed. These changes in desire support the approval of this zoning proposal as a successful rezoning on this property will open up the pool of potential tenants that can make active use of these spaces. This is evidenced by the fact that there are already a potential tenants lined-up and ready to move in to this space following the completion of this rezoning and subsequent special land use permit.

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

There are no historic buildings, sites, districts or archaeological resources located on or adjacent to the site.

g. 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 proposed use will not cause an excessive or burdensome use of existing public infrastructure in the area. This site is completely developed and improved and is already served by water, power, sewer, public right-of-way via Perimeter Center North, several MARTA stations with the Dunwoody MARTA station within a mile from the property. The public right-of-ways in the area include sidewalks, which will support pedestrian access to and from the property. Further, the proposed use of will not create any additional burden on the existing schools in the area as the project contains no residential component.

Exhibit A

Perimeter Center Districts

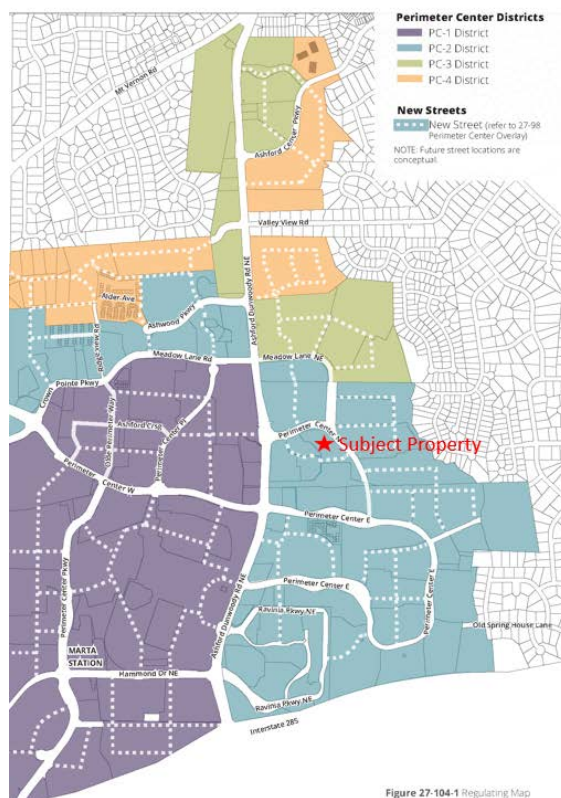


Figure 27-104-1 Regulating Map

USES	DISTRICTS				Reference
	PC-1	PC-2	PC-3	PC-4	
RESIDENTIAL					
Household Living					
Detached house	—	—	—	P	
Attached house	—	P[1]	P[1]	P[1]	
Multi-unit building, rental	S	S	S	S	
Multi-unit building, owner-occupied	P	P	P	P	
Age-Restricted Multi-unit building, rental	S	S	S	S	
Age-Restricted Multi-unit building, owner-occupied	P	P	P	P	
Group Living	—	S	S	S	
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	P	P	—	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	S	S	
Hospital	S	S	S	—	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	E	27-151
COMMERCIAL					
Animal Services	P	P	S	—	27-131
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	27-150
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services					
	P	P	P	—	
Eating and Drinking Establishments					
Food truck	P	P	P	—	27-138

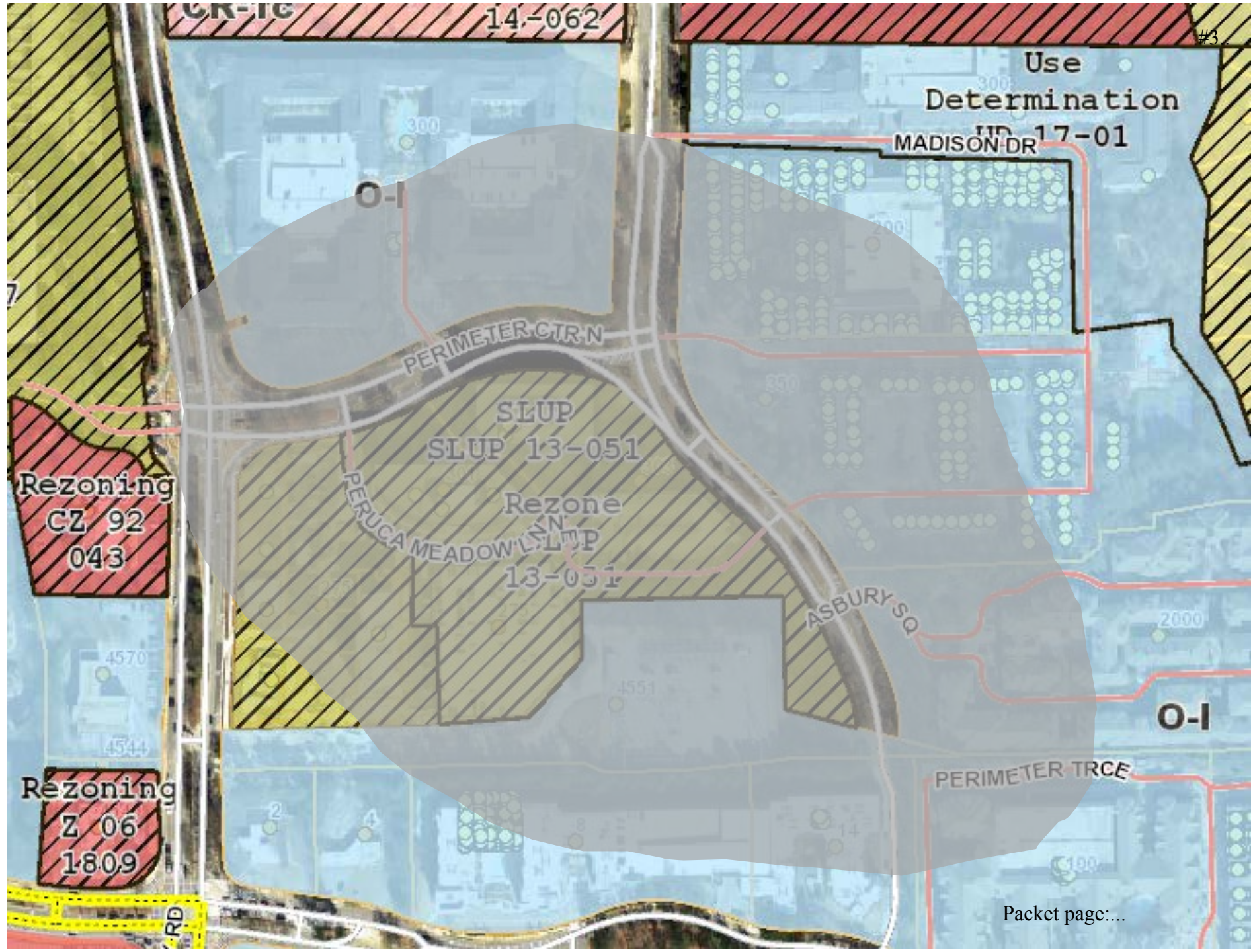
Figure 27-104-6, Table of Permitted Uses

USES	DISTRICTS				Reference
	PC-1	PC-2	PC-3	PC-4	
Other eating or drinking establishment	P	P	P	—	
Drive-through Facility	S	S	S	—	27-98(d)(8)
Entertainment and Spectator Sports					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Financial Services					
Banks, credit unions, brokerage and investment services	P	P	P	—	
Food and Beverage Retail Sales	P	P	P	—	
Funeral and Intermment Services	P	P	P	—	
Lodging	P	P	P	S	
Medical Service	P	P	P	—	
Office or Consumer Service	P	P	P	—	
Parking, Non-accessory	S	S	S	S	27-98(d)(9)
Personal Improvement Service	P	P	P	—	
Repair or Laundry Service, Consumer	P	P	P	—	
Research and Testing Services	P	P	P	—	
Retail Sales	P	P	P	—	
Sports and Recreation, Participant					
Indoor	P	P	P	—	
Outdoor	S	S	S	—	
Vehicle and Equipment, Sales and Service					
Gasoline sales	—	—	S	—	27-98(d)(7)
Vehicle sales and rental (indoor only)	P	P	P	—	27-154
Vehicle repair, minor	—	—	S	—	27-153

P = use permitted as of right
A = special administrative permit required
E = special exception required
S = special land use permit required

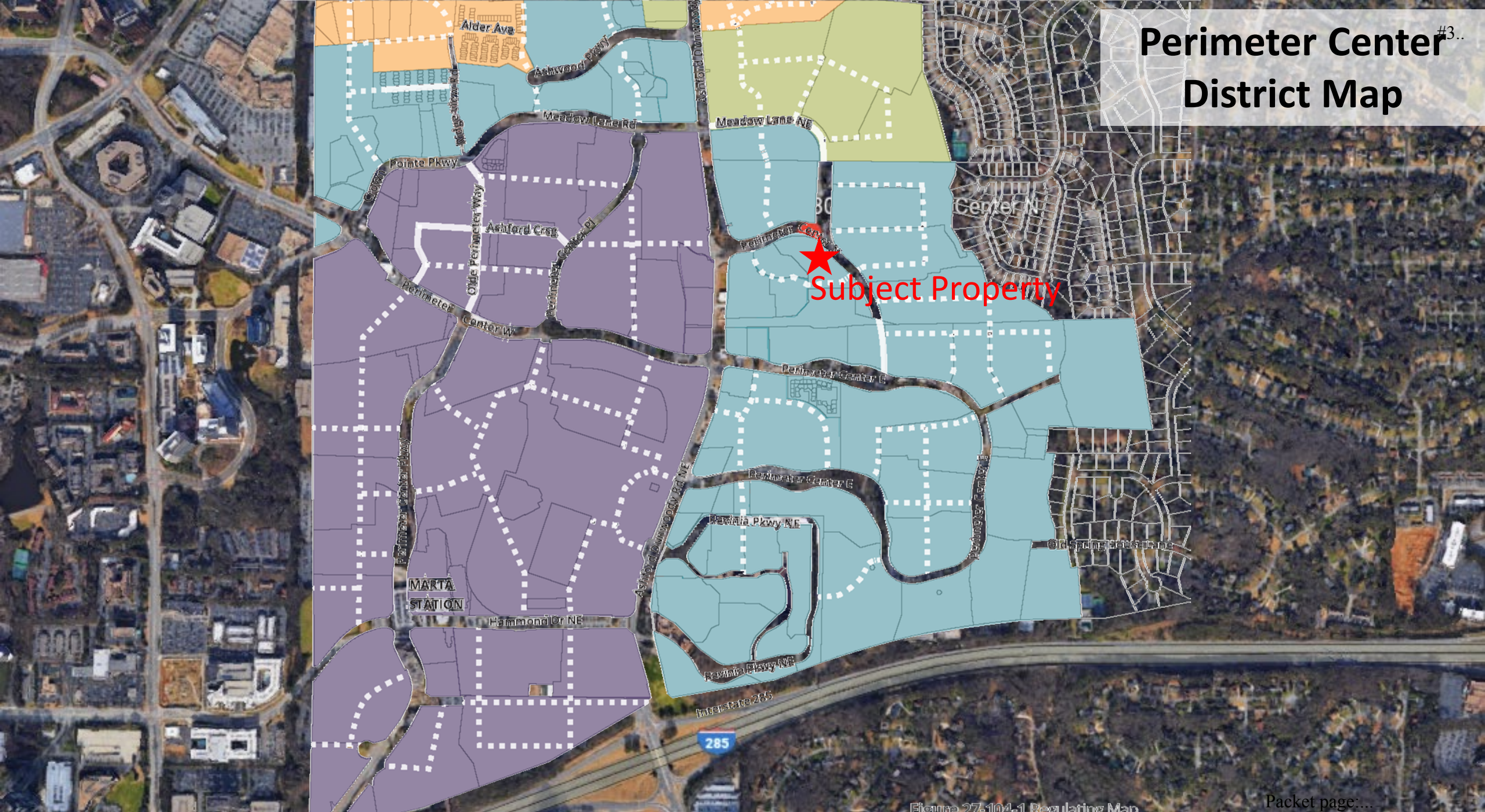
[1] Where more than 10% of the units are rental, a special land use permit is required.

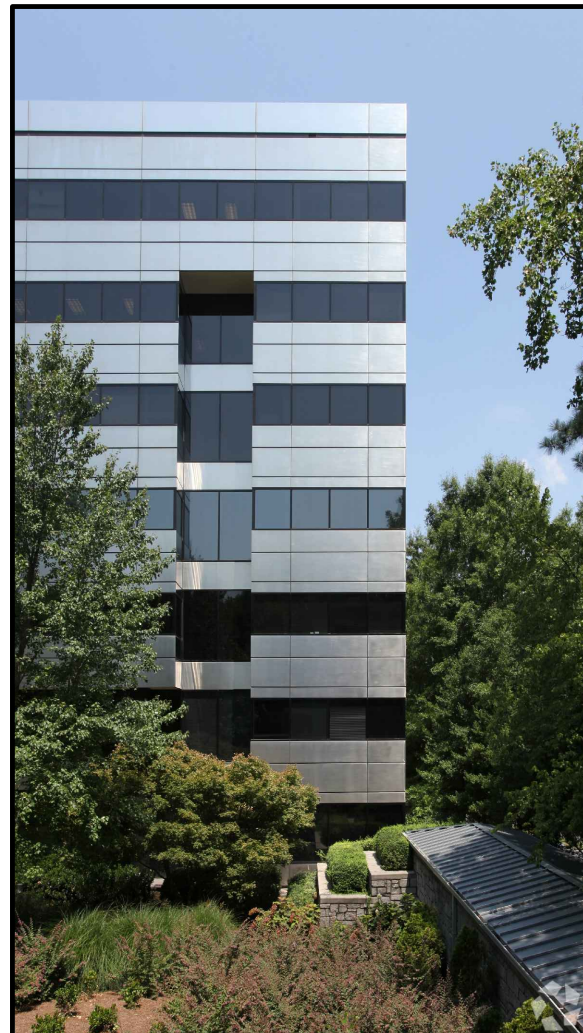
Area within 500 feet
of the Property



Area within 500 feet of the Property

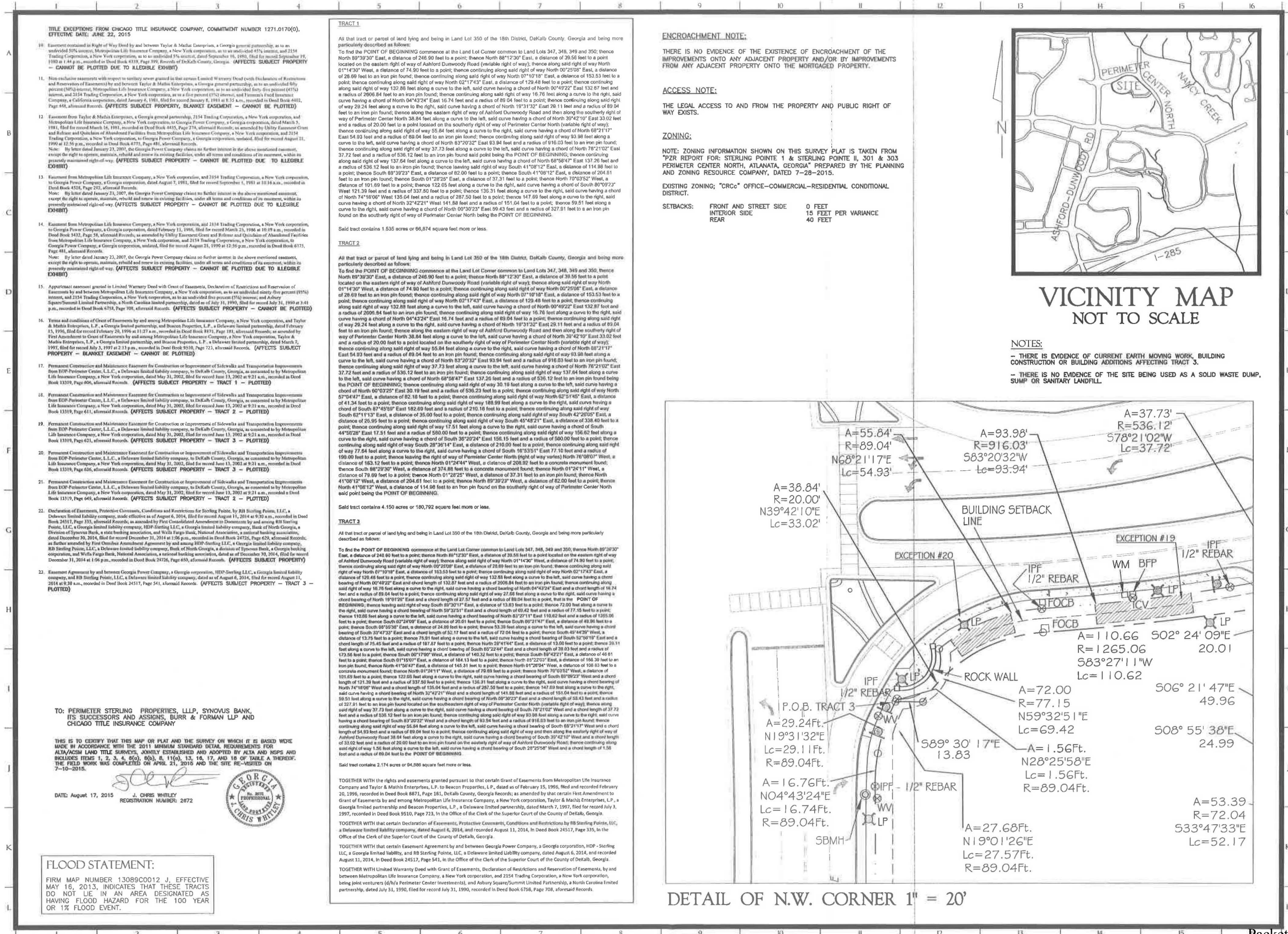
Perimeter Center #3.. District Map





Packet page:...





TITLE EXCEPTIONS FROM CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER 1271.0170(0), EFFECTIVE DATE: JUNE 22, 2015

18. Easement contained in Right of Way Deed by and between Taylor & Mathis Enterprises, a Georgia general partnership, as to an undivided 50% interest, to Georgia Power Company, as to an undivided 45% interest, and 2154 Trading Corporation, as to an undivided 5% interest, dated September 16, 1989, filed for record September 19, 1989 at 1:44 p.m., recorded in Deed Book 4119, Page 199, Records of DeKalb County, Georgia. (AFFECTS SUBJECT PROPERTY - CANNOT BE PLOTTED DUE TO ILLEGIBLE EVIDENCE)

19. Non-exclusive easements with respect to sanitary sewer located in that certain Limited Warranty Deed (with Declaration of Restrictions and Reservation of Easements) by and between Taylor & Mathis Enterprises, a Georgia general partnership, as to an undivided fifty percent (50%) interest, Metropolitan Life Insurance Company, a New York corporation, as to an undivided forty-five percent (45%) interest, and 2154 Trading Corporation, as to a five percent (5%) interest, and Hiram's Food Insurance Company, a California corporation, dated January 6, 1981, filed for record January 8, 1981 at 8:15 a.m., recorded in Deed Book 4402, Page 456, aforesaid Records. (AFFECTS SUBJECT PROPERTY, BLANKET EASEMENT - CANNOT BE PLOTTED)

20. Easement from Taylor & Mathis Enterprises, a Georgia general partnership, 2154 Trading Corporation, a New York corporation, and Metropolitan Life Insurance Company, a New York corporation, to Georgia Power Company, as to an undivided fifty percent (50%) interest, dated March 7, 1981, filed for record March 16, 1981, recorded in Deed Book 4435, Page 274, aforesaid Records, as amended by Utility Easement Grant and Release and Quitclaim of Abandoned Facilities from Metropolitan Life Insurance Company, a New York corporation, and 2154 Trading Corporation, as to a New York corporation, a Georgia corporation, undated, filed for record August 31, 1990 at 12:56 p.m., recorded in Deed Book 6773, Page 481, aforesaid Records.

Note: By letter dated January 23, 2007, the Georgia Power Company claims no further interest in the above mentioned easement, except the right to operate, maintain, rebuild and remove its existing facilities, under all terms and conditions of its easement, within its presently maintained right-of-way. (AFFECTS SUBJECT PROPERTY - CANNOT BE PLOTTED DUE TO ILLEGIBLE EVIDENCE)

21. Easement from Metropolitan Life Insurance Company, a New York corporation, and 2154 Trading Corporation, a New York corporation, to Georgia Power Company, a Georgia corporation, dated August 7, 1981, filed for record September 1, 1981 at 10:16 a.m., recorded in Deed Book 4536, Page 292, aforesaid Records.

Note: By letter dated January 23, 2007, the Georgia Power Company claims no further interest in the above mentioned easement, except the right to operate, maintain, rebuild and remove its existing facilities, under all terms and conditions of its easement, within its presently maintained right-of-way. (AFFECTS SUBJECT PROPERTY - CANNOT BE PLOTTED DUE TO ILLEGIBLE EVIDENCE)

22. Easement from Metropolitan Life Insurance Company, a New York corporation, and 2154 Trading Corporation, a New York corporation, to Georgia Power Company, a Georgia corporation, dated February 11, 1986, filed for record March 23, 1986 at 10:19 a.m., recorded in Deed Book 5432, Page 59, aforesaid Records, as amended by Utility Easement Grant and Release and Quitclaim of Abandoned Facilities from Metropolitan Life Insurance Company, a New York corporation, and 2154 Trading Corporation, a New York corporation, dated March 7, 1997, filed for record July 3, 1997 at 2:11 p.m., recorded in Deed Book 9510, Page 723, aforesaid Records. (AFFECTS SUBJECT PROPERTY - BLANKET EASEMENT - CANNOT BE PLOTTED)

23. Appurtenant easement granted in Limited Warranty Deed with Grant of Easements, Declaration of Restrictions and Reservation of Easements by and between Metropolitan Life Insurance Company, a New York corporation, as to an undivided fifty percent (50%) interest, and 2154 Trading Corporation, as to a five percent (5%) interest, dated July 3, 1997, filed for record July 3, 1997 at 2:11 p.m., recorded in Deed Book 9510, Page 723, aforesaid Records. (AFFECTS SUBJECT PROPERTY - CANNOT BE PLOTTED)

24. Terms and conditions of Grant of Easements by and among Metropolitan Life Insurance Company, a New York corporation, and Taylor & Mathis Enterprises, L.P., a Georgia limited partnership, and Beacon Properties, L.P., a Delaware limited partnership, dated February 13, 1996, filed for record February 29, 1996 at 11:27 a.m., recorded in Deed Book 8731, Page 181, aforesaid Records, as amended by First Amendment to Grant of Easements by and among Metropolitan Life Insurance Company, a New York corporation, Taylor & Mathis Enterprises, L.P., a Georgia limited partnership, and Beacon Properties, L.P., a Delaware limited partnership, dated March 7, 1997, filed for record July 3, 1997 at 2:11 p.m., recorded in Deed Book 9510, Page 723, aforesaid Records. (AFFECTS SUBJECT PROPERTY - BLANKET EASEMENT - CANNOT BE PLOTTED)

25. Permanent Construction and Maintenance Easement for Construction or Improvement of Sidewalks and Transportation Improvements from EOP-Perimeter Center, L.L.C., a Delaware limited liability company, to DeKalb County, Georgia, as contained in by Metropolitan Life Insurance Company, a New York corporation, dated May 31, 2002, filed for record June 13, 2002 at 9:21 a.m., recorded in Deed Book 13319, Page 606, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 1 - PLOTTED)

26. Permanent Construction and Maintenance Easement for Construction or Improvement of Sidewalks and Transportation Improvements from EOP-Perimeter Center, L.L.C., a Delaware limited liability company, to DeKalb County, Georgia, as contained in by Metropolitan Life Insurance Company, a New York corporation, dated May 31, 2002, filed for record June 13, 2002 at 9:21 a.m., recorded in Deed Book 13319, Page 611, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 2 - PLOTTED)

27. Permanent Construction and Maintenance Easement for Construction or Improvement of Sidewalks and Transportation Improvements from EOP-Perimeter Center, L.L.C., a Delaware limited liability company, to DeKalb County, Georgia, as contained in by Metropolitan Life Insurance Company, a New York corporation, dated May 31, 2002, filed for record June 13, 2002 at 9:21 a.m., recorded in Deed Book 13319, Page 621, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 3 - PLOTTED)

28. Permanent Construction and Maintenance Easement for Construction or Improvement of Sidewalks and Transportation Improvements from EOP-Perimeter Center, L.L.C., a Delaware limited liability company, to DeKalb County, Georgia, as contained in by Metropolitan Life Insurance Company, a New York corporation, dated May 31, 2002, filed for record June 13, 2002 at 9:21 a.m., recorded in Deed Book 13319, Page 631, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 3 - PLOTTED)

29. Permanent Construction and Maintenance Easement for Construction or Improvement of Sidewalks and Transportation Improvements from EOP-Perimeter Center, L.L.C., a Delaware limited liability company, to DeKalb County, Georgia, as contained in by Metropolitan Life Insurance Company, a New York corporation, dated May 31, 2002, filed for record June 13, 2002 at 9:21 a.m., recorded in Deed Book 13319, Page 649, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 2 - PLOTTED)

30. Declaration of Easement, Protective Covenants, Conditions and Restrictions for Sterling Pointe, by RB Sterling Pointe, L.L.C., a Delaware limited liability company, made effective as of August 6, 2014, filed for record August 11, 2014 at 9:30 a.m., recorded in Deed Book 24517, Page 132, aforesaid Records, as amended by First Amended Declaration of Easement, Protective Covenants, Conditions and Restrictions for Sterling Pointe, L.L.C., a Georgia limited liability company, HDP-Sterling L.L.C., a Georgia limited liability company, Bank of North Georgia, a Division of Synovus Bank, a state banking association, and Wells Fargo Bank, National Association, a national banking association, dated December 30, 2014, filed for record December 31, 2014 at 1:56 p.m., recorded in Deed Book 24517, Page 629, aforesaid Records, as further amended by First Amended Declaration of Easement, Protective Covenants, Conditions and Restrictions for Sterling Pointe, L.L.C., a Delaware limited liability company, Bank of North Georgia, a Division of Synovus Bank, a Georgia banking corporation, and Wells Fargo Bank, National Association, a national banking association, dated as of December 30, 2014, filed for record December 31, 2014 at 1:56 p.m., recorded in Deed Book 24517, Page 630, aforesaid Records. (AFFECTS SUBJECT PROPERTY)

31. Easement Agreement by and between Georgia Power Company, a Georgia corporation, HDP-Sterling L.L.C., a Georgia limited liability company, and RB Sterling Pointe, L.L.C., a Delaware limited liability company, dated as of August 6, 2014, filed for record August 11, 2014 at 9:30 a.m., recorded in Deed Book 24517, Page 541, aforesaid Records. (AFFECTS SUBJECT PROPERTY - TRACT 3 - PLOTTED)

TO: PERIMETER STERLING PROPERTIES, LLP, SYNOPSIS BANK, ITS SUCCESSORS AND ASSIGNS, BURR & FORMAN LLP AND CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSP AND INCLUDES ITEMS 1, 2, 3, 4, 5(a), 6(a), 8, 11(a), 13, 16, 17, AND 18 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 21, 2015 AND THE SITE RE-VISITED ON 7-10-2015.

DATE: August 17, 2015 J. CHRIS WHITLEY
REGISTRATION NUMBER: 2872

FLOOD STATEMENT:
FIRM MAP NUMBER 13089C0012 J, EFFECTIVE MAY 16, 2013, INDICATES THAT THESE TRACTS DO NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD FOR THE 100 YEAR OR 1% FLOOD EVENT.

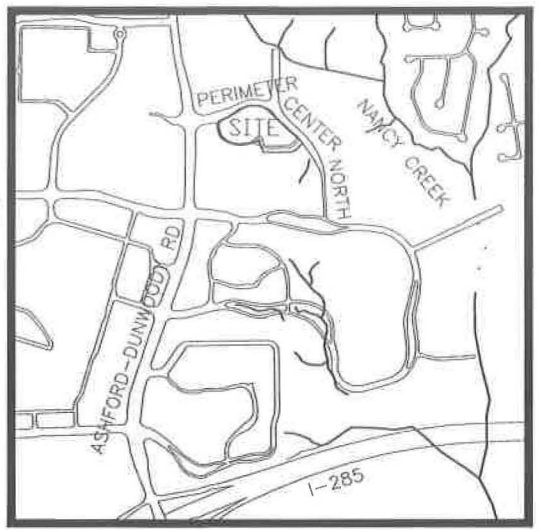
ENCROACHMENT NOTE:
THERE IS NO EVIDENCE OF THE EXISTENCE OF ENCROACHMENT OF THE IMPROVEMENTS ONTO ANY ADJACENT PROPERTY AND/OR BY IMPROVEMENTS FROM ANY ADJACENT PROPERTY ONTO THE MORTGAGED PROPERTY.

ACCESS NOTE:
THE LEGAL ACCESS TO AND FROM THE PROPERTY AND PUBLIC RIGHT OF WAY EXISTS.

ZONING:
NOTE: ZONING INFORMATION SHOWN ON THIS SURVEY PLAT IS TAKEN FROM "PZR REPORT FOR: STERLING POINT 1 & STERLING POINT II, 301 & 303 PERIMETER CENTER NORTH, ATLANTA, GEORGIA" PREPARED BY THE PLANNING AND ZONING RESOURCE COMPANY, DATED 7-28-2015.

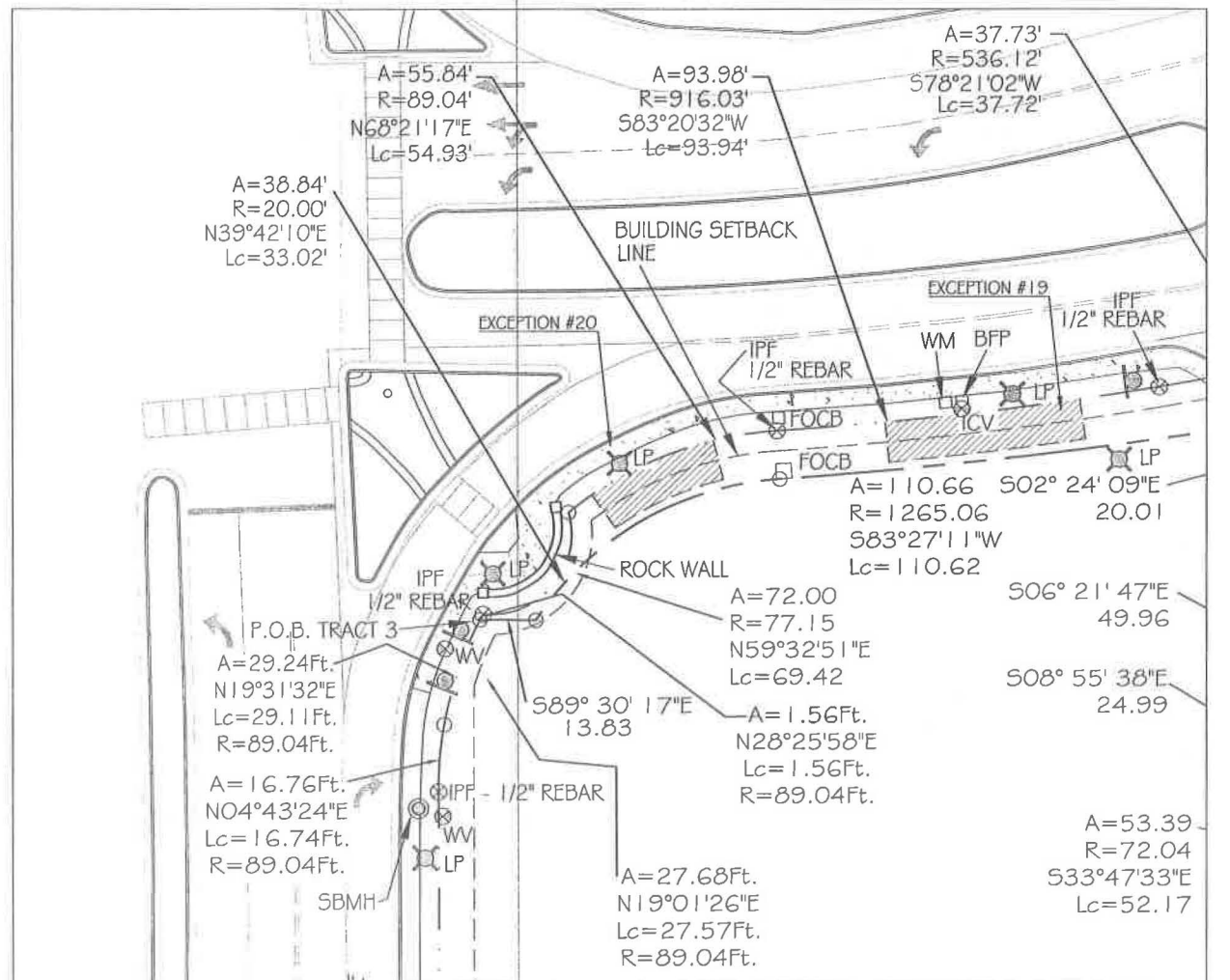
EXISTING ZONING: "CRCC" OFFICE-COMMERCIAL-RESIDENTIAL CONDITIONAL DISTRICT.

SETBACKS: FRONT AND STREET SIDE 0 FEET
INTERIOR SIDE 15 FEET PER VARIANCE
REAR 40 FEET



VICINITY MAP
NOT TO SCALE

NOTES:
- THERE IS EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS AFFECTING TRACT 3.
- THERE IS NO EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.



DETAIL OF N.W. CORNER 1" = 20'

CHICAGO TITLE INSURANCE COMPANY
REGISTERED PROFESSIONAL SURVEYOR
J. CHRIS WHITLEY
No. 2872

MIDA
McFarland-Dyer & Associates
Professional Surveyors
4075 N. Peachtree Parkway
Suite 100, Atlanta, GA 30345
Phone: (770) 954-9650
www.mida.net

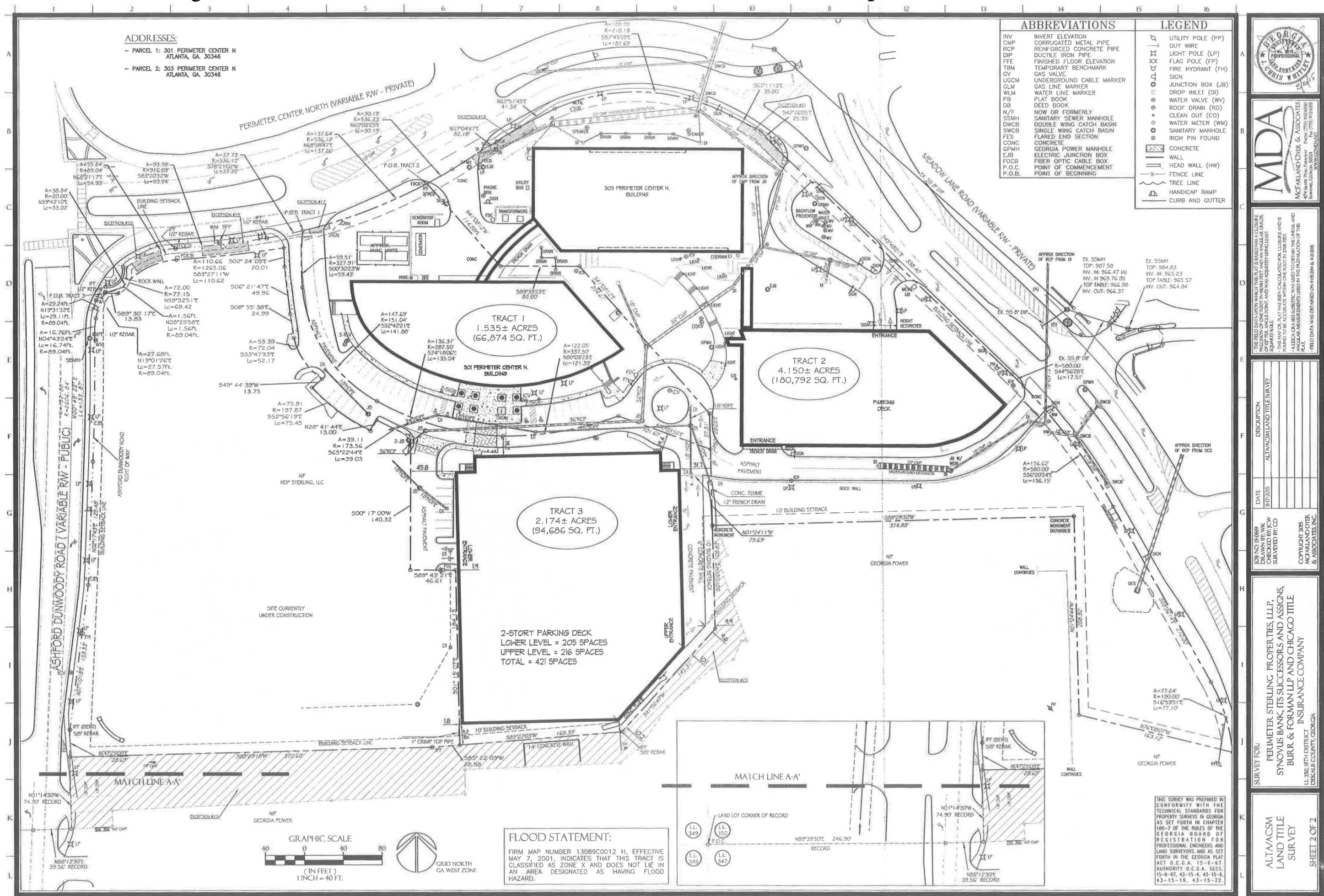
DESCRIPTION	DATE
ALTA/ACSM LAND TITLE SURVEY	8/17/2015

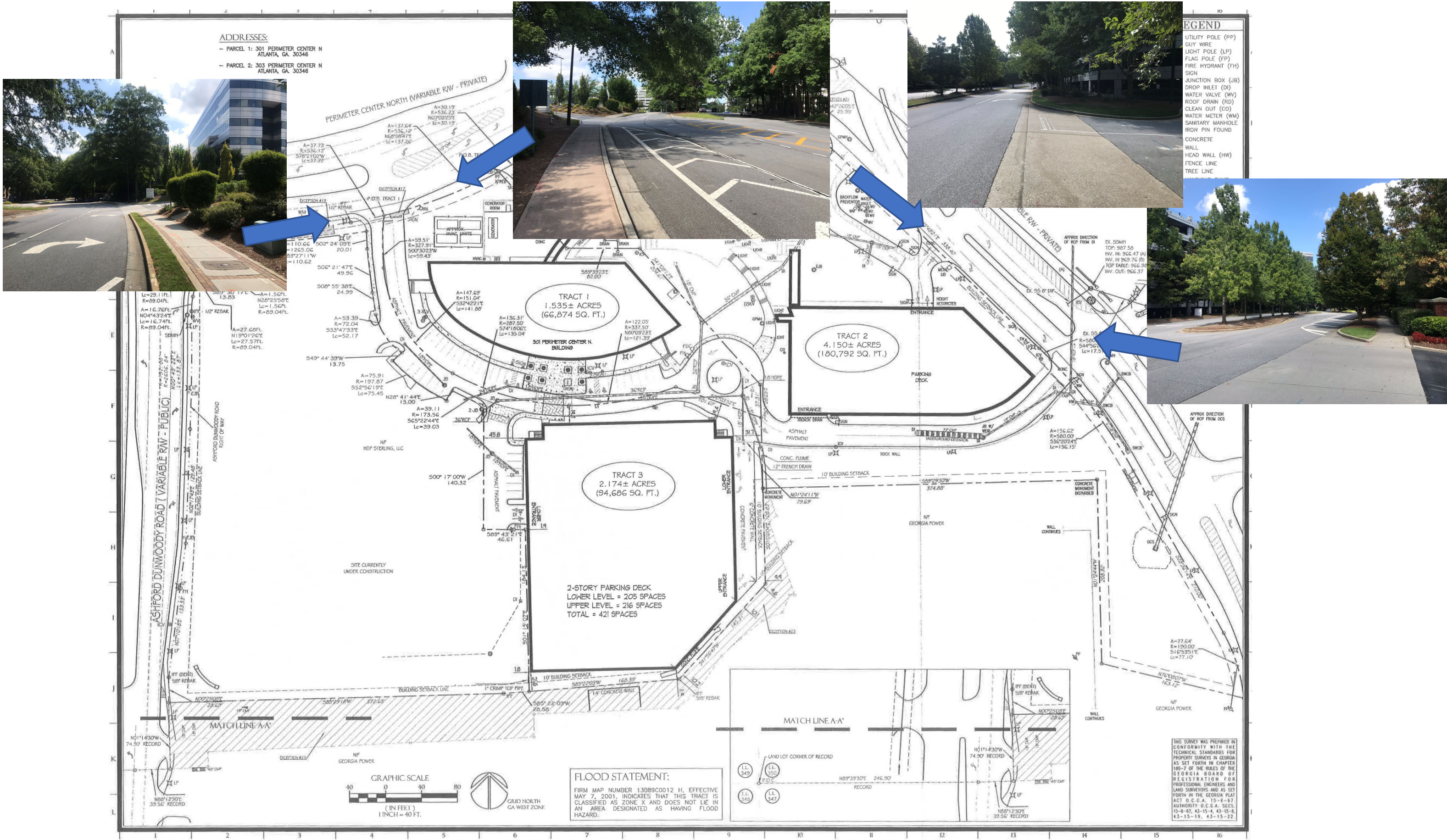
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CHECKED BY: JCV
SURVEYED BY: JCV

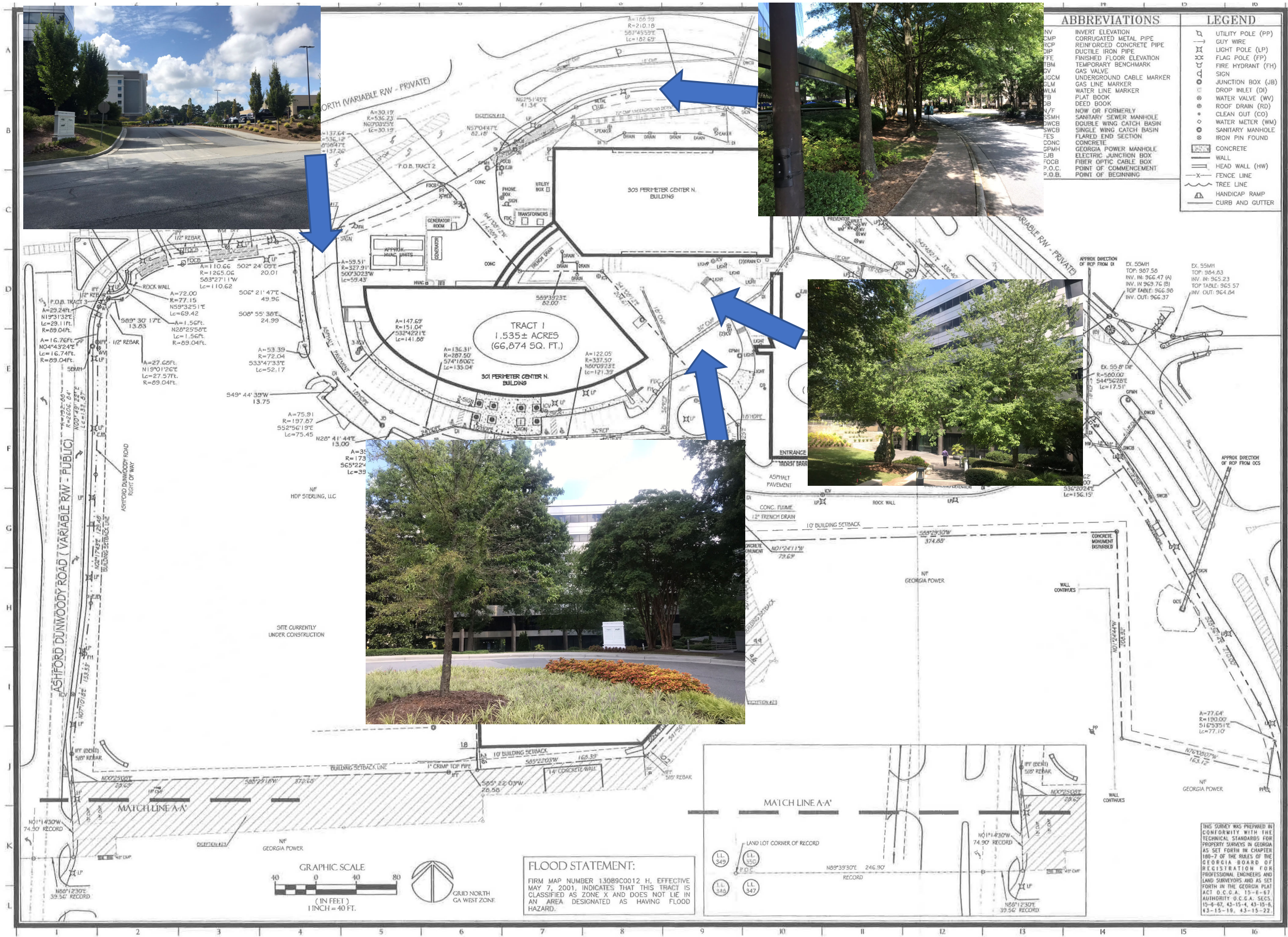
PERIMETER STERLING PROPERTIES, LLP,
SYNOVUS BANK, ITS SUCCESSORS AND ASSIGNS,
BURR & FORMAN LLP AND CHICAGO TITLE
INSURANCE COMPANY

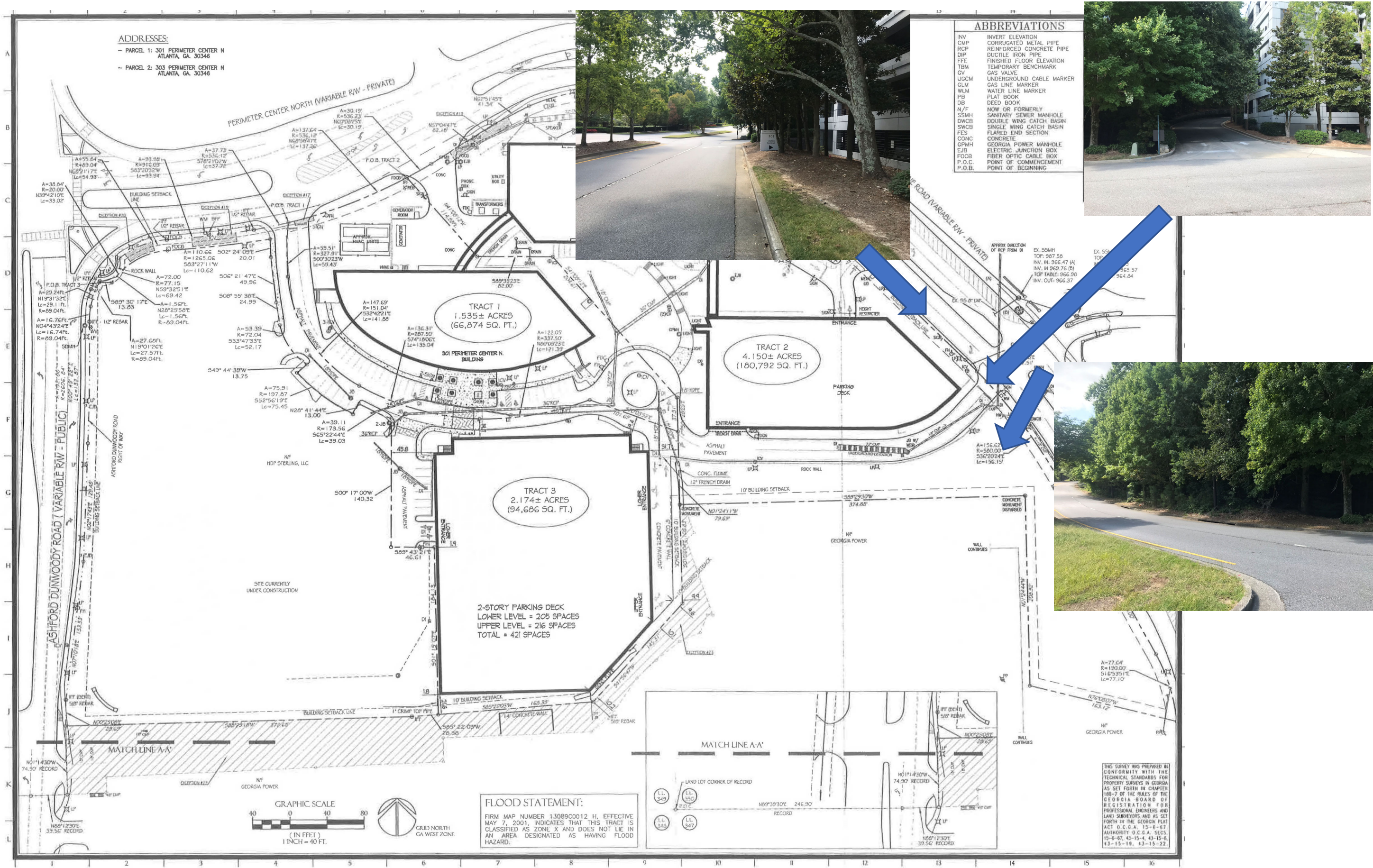
ALTA/ACSM
LAND TITLE
SURVEY

SHEET 1 OF 2









303 PERIMETER CENTER

PROJECT EXPLANATION STATEMENT

1. Name and address of proposed project

- Sterling Pointe II – 303 Perimeter Center N

2. Explanation of the intent of the application

- Sterling Pointe II is an existing eight-story office building located at 303 Perimeter Center North that contains approximately 187,000 rentable square feet. The landlord desires to enter into a lease with a tenant who is a for-profit graduate school, which leased space would comprise approximately 40,000 square feet of administrative office, classroom and support spaces.

Under the current zoning of OCR-c, educational uses are not permitted. Landlord is applying to change the zoning to comply with the City of Dunwoody's Comprehensive Land Use Plan designation as PC-2 zoning. PC-2 zoning district permits educational uses with a special use permit. Landlord is simultaneously applying for the special use permit to allow educational uses.

3. Total acreage of project

- 4.15 acres

4. Total number of lots, including acreage and zoning

- One 4.15 acre lot which is currently zoned OCRc.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 350, 18th District, DeKalb County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the Land Lot Line common to Land Lots 347, 348, 349 & 350; thence North 43°54'21" East, a distance of 941.53 feet to a point located on the southeastern right of way of Perimeter Center North (private variable right of way), that is the **POINT OF BEGINNING**; thence along said right of way the following courses and distances: 30.19 feet along a curve to the left, said curve having a chord of North 60°03'25" East 30.19 feet and a radius of 536.23 feet to a point; thence North 57°04'47" East a distance of 82.18 feet to a point; thence North 62°51'45" East a distance of 41.34 feet to a point; thence 188.99 feet along a curve to the right, said curve having a chord of South 87°45'59" East 182.69 feet and a radius of 210.18 feet to a point; thence South 62°11'13" East a distance of 35.00 feet to a point; thence South 42°26'05" East a distance of 25.95 feet to a point; thence South 45°48'21" East a distance of 338.40 feet to a point; thence 17.51 feet along a curve to the right, said curve having a chord of South 44°56'27" East 17.51 feet and a radius of 580.00 feet to a point; thence 156.63 feet along a curve to the right, said curve having a chord of South 36°20'23" East 156.15 feet and a radius of 580.00 feet to a point; thence South 28°36'14" East a distance of 210.00 feet to a point; thence 77.64 feet along a curve to the right, said curve having a chord of South 16°53'50" East 77.10 feet and a radius of 190.00 feet to a point; thence leaving said right of way thence North 76°08'07" West a distance of 163.12 feet to a point; thence North 01°24'44" West a distance of 208.92 feet to a point; thence South 88°29'30" West a distance of 374.88 feet to a point; thence North 01°24'11" West a distance of 79.69 feet to a point; thence North 01°28'25" West a distance of 37.31 feet to a point; thence North 41°08'12" West a distance of 204.61 feet to a point; thence North 89°39'23" West a distance of 82.00 feet to a point; thence North 41°08'12" West a distance of 114.98 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 4.150 Acres.

Site Plan

Mixed-Use



*All structures are existing.

Site Plan



*All structures are existing.

Site Plan

Subject Property



*All structures
are existing.

301 PERIMETER CENTER

PROJECT EXPLANATION STATEMENT

1. Name and address of proposed project

- Sterling Pointe I – 301 Perimeter Center N

2. Explanation of the intent of the application

- Sterling Pointe I is an existing six-story office building located at 301 Perimeter Center North that contains approximately 162,000 rentable square feet. The landlord desires to enter into a lease with a tenant who is a for-profit graduate school, which leased space would comprise approximately 40,000 square feet of administrative office, classroom and support spaces.

Under the current zoning of OCR-c, educational uses are not permitted. Landlord is applying to change the zoning to comply with the City of Dunwoody's Comprehensive Land Use Plan designation as PC-2 zoning. PC-2 zoning district permits educational uses with a special use permit. Landlord is simultaneously applying for the special use permit to allow educational uses.

3. Total acreage of project

- 1.535 acres

4. Total number of lots, including acreage and zoning

- One 1.535 acre lot which is currently zoned OCRc.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 350 of the 18th District, DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the Land Lot Corner common to Land Lots 347, 348, 349 and 350; thence North 89°39'30" East, a distance of 246.90 feet to a point; thence North 88°12'30" East, a distance of 39.56 feet to a point located on the eastern right of way of Ashford Dunwoody Road (variable right of way); thence along said right of way North 01°14'30" West, a distance of 74.90 feet to a point; thence continuing along said right of way North 00°25'08" East, a distance of 28.69 feet to an iron pin found; thence continuing along said right of way North 07°10'18 11 East, a distance of 153.53 feet to a point; thence continuing along said right of way North 02°17'43 11 East, a distance of 129.48 feet to a point; thence continuing along said right of way 132.88 feet along a curve to the left, said curve having a chord of North 00°49'22" East 132.87 feet and a radius of 2606.84 feet to an iron pin found; thence continuing along said right of way 16.76 feet along a curve to the right, said curve having a chord of North 04°43'24" East 16.74 feet and a radius of 89.04 feet to a point; thence continuing along said right of way 29.24 feet along a curve to the right, said curve having a chord of North 19°31'32" East 29.11 feet and a radius of 89.04 feet to an iron pin found; thence along the eastern right of way of Ashford Dunwoody Road and then along the southerly right of way of Perimeter Center North 38.84 feet along a curve to the left, said curve having a chord of North 39°42'10" East 33.02 feet and a radius of 20.00 feet to a point located on the southerly right of way of Perimeter Center North (variable right of way); thence continuing along said right of way 55.84 feet along a curve to the right, said curve having a chord of North 68°21'17" East 54.93 feet and a radius of 89.04 feet to an iron pin found; thence continuing along said right of way 93.98 feet along a curve to the left, said curve having a chord of North 83°20'32" East 93.94 feet and a radius of 916.03 feet to an iron pin found; thence continuing along said right of way 37.73 feet along a curve to the left, said curve having a chord of North 78°21'02" East 37.72 feet and a radius of 536.12 feet to an iron pin found said point being the **POINT OF BEGINNING**; thence continuing along said right of way 137.64 feet along a curve to the left, said curve having a chord of North 68°58'47" East 137.26 feet and a radius of 536.12 feet to an iron pin found; thence leaving said right of way South 41°08'12" East, a distance of 114.98 feet to a point; thence South 89°39'23" East, a distance of 82.00 feet to a point; thence South 41°08'12" East, a distance of 204.61 feet to an iron pin found; thence South 01°28'25" East, a distance of 37.31 feet to a point; thence North 70°03'52" West, a distance of 101.69 feet to a point; thence 122.05 feet along a curve to the right, said curve having a chord of South 80°09'23 11 West 121.39 feet and a radius of 337.50 feet to a point; thence 136.31 feet along a curve to the right, said curve having a chord of North 74°18'06" West 135.04 feet and a radius of 287.50 feet to a point; thence 147.69 feet along a curve to the right, said curve having a chord of North 32°42'21" West 141.88 feet and a radius of 151.04 feet to a point; thence 59.51 feet along a curve to the right, said curve having a chord of North 00°30'23" East 59.43 feet and a radius of 327.91 feet to an iron pin found on the southerly right of way of Perimeter Center North being the **POINT OF BEGINNING**. Said tract contains 1.535 acres or 66,874 square feet more or less.

Site Plan Mixed-Use



*All structures are existing.

Site Plan



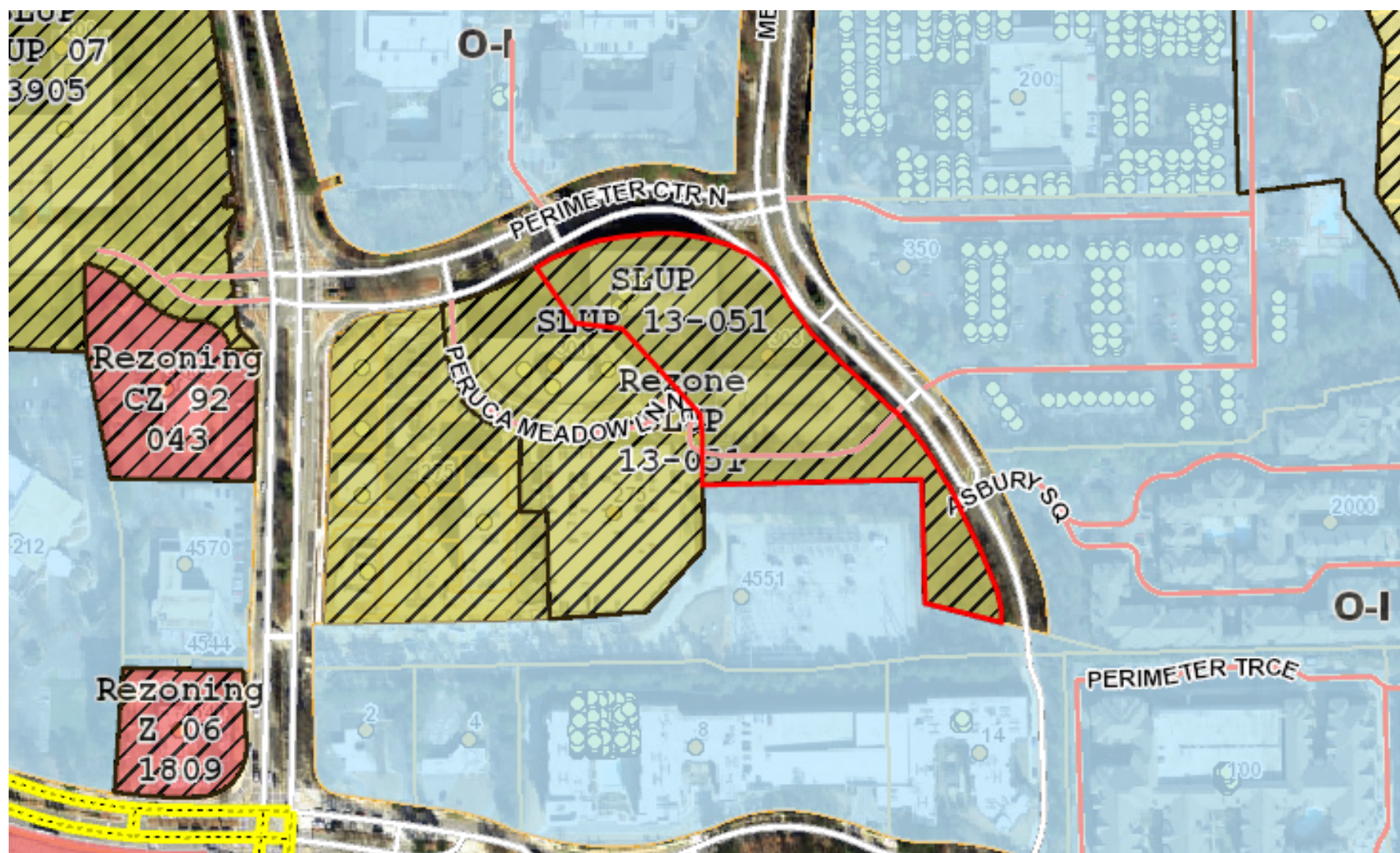
*All structures are existing.

Site Plan

Subject Property



*All structures
are existing.



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.

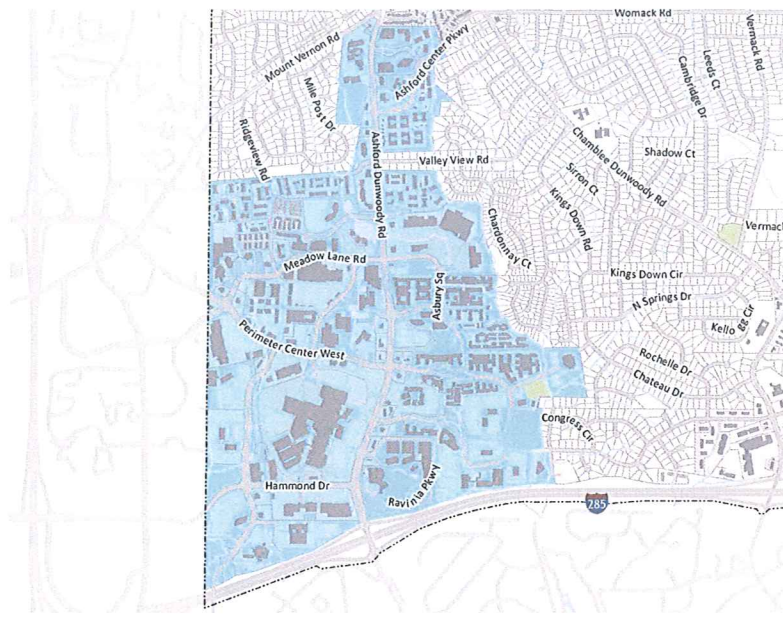


FIGURE 13: Perimeter Center Character Area Map

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.