

MEMORANDUM

To: City Council

From: Paul Leonhardt, Planning & Zoning Manager

Date: March 8, 2021

Subject: Laurel David, attorney for the owner, on behalf of JSJ Perimeter, owner of 84, 130, and 140 Perimeter Center East, Dunwoody, Georgia seeks the following:

1. **RZ 20-03:** a rezoning from the current C-1 conditional (Commercial) District to a PC-2 (Perimeter Center) District.
2. **SLUP 20-02(A):** Special Land Use Permits to allow an exception to Section 27-104(c), Figure 27-104-3, for an increase in the maximum impervious coverage from 65% to 72% and of combined impervious and semi-pervious coverage from 75% to 78%.
3. **SLUP 20-02(B):** Special Land Use Permit from Chapter 27, Section 27-104(f)(2) to allow residential use of age-restricted multi-family housing. Section 27-104(f)(2);
4. **SLUP 20-02(C):** To allow an exception to Section 27-105(b)(2) to reduce the required interior side yard setback from 15 feet to 0 feet and to reduce the rear yard setback from 30 feet to 10 feet;
5. ~~To allow an exception to Section 27-105(b)(2) to reduce the minimum floor-to-floor height required at the ground level from 14 feet to 9 feet for portions of the multi-family building that do not contain lobby or amenity spaces; WITHDRAWN and~~
6. **SLUP 20-2(D):** To allow an exception to Section 27-105(b)(2) to allow both residential and commercial uses at the street facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family building that will not be service or lobbies for lodging. The street facing ground level of the remainder of multi-family buildings shall contain active uses for a minimum depth of 10 feet.

The tax parcel numbers for the site are 18-347-01-013, -021, and -028.



UPDATE MARCH 8, 2021

At the February 22, 2021 hearing, the City Council deferred the case to the March 8, 2021 and requested staff to create a definition for age-restricted housing and to devise a reporting and enforcement requirement. In response, staff recommends the new zoning conditions 26 and 27 that tie the applicant to the Department of Housing and Urban Development requirements for housing for older persons. The federal regulations require 80% of occupied units to be occupied by at least one person 55 years of age or older. The City of Dunwoody would receive and review the required verification reports and ensure that the development stays in compliance.

UPDATE FEBRUARY 22, 2021

At the January 25, 2021 hearing, the City Council granted the applicant's request to defer to the February 22 City Council hearing. On February 12, 2021, the applicant submitted updated application materials to address the comments by City Council members during the first read. Major changes compared to the initial submittal include:

- Updated streetscape on Perimeter Center East that includes an eastbound bike lane and eliminates dedicated right-turn deceleration lanes.
- Removing the proposed swimming pool from the site adjacent to Perimeter Center East

- Replacing impervious surfaces with pervious and semi-pervious surfaces on various parts of the site. This reduces the total impervious and semi-pervious surface from 85% to 78% and the total amount of impervious surface to 72%.

In response to the newly submitted materials, the staff updated the recommended conditions.

BACKGROUND

The subject site consists of three lots of record, owned in common totaling 2.86 acres. The property consists of a corner lot (84 Perimeter Center East), which fronts the east side of Ashford-Dunwoody Road and south side of Perimeter Center East, and two vacant wooded lots (140 and 130 Perimeter Center East) to the east, both fronting Perimeter Center East. The site currently contains a vacant one-story building, formerly occupied as a bank. The site is zoned C-1 conditional and is found within the Perimeter Center Overlay.

SITE PLAN ANALYSIS

In 2008, the properties were rezoned from O-I to C-1 conditional (Z-08-14825) to allow for the development of a hotel, a 7,050 square foot full service restaurant, a 5,369 square foot meeting space, and a 70,000 square foot fitness club. Around the same time, the site also received a special land use permit to increase the height of the hotel from 2 to 12-stories (SLUP-08-14791). In 2019, the property's site plan and zoning conditions were amended to allow a 11-story, 160-room hotel and two additional multi-story buildings containing approximately 43,140 square feet of commercial uses, including but not limited to restaurants and retail, patio and rooftop terrace seating and a multi-story parking deck (see MA 19-02).

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. Other than changing the hotel use to age restricted rental housing, the development is similar to what was approved in 2019 under case MA 19-02. Review of the submitted site plan indicates that the multi-family building will be fourteen (14) stories in height, and will contain a maximum of 225 units that will be age-restricted to persons 55 years and older. The applicant has also submitted several Special Land Use Permit (SLUP) requests concurrently with this application to allow the following:

1. To allow an exception to Section 27-104(c), Figure 27-104-3, for an increase in the maximum impervious coverage from 65% (or 75% with semi-pervious cover) to a total of 78% coverage of both impervious and semi-pervious coverage (see exhibit attached). The total maximum impervious/semi-impervious lot coverage allowed when MA 19-02 was approved was 86%, per variances approved 8/12/2008, Page 2 of 5 266776 Application No. A-08-14932. The lot coverage included in the MA 19-02 approval was 83.7%;
2. To allow residential use of age-restricted multi-family housing per Section 27-104(f)(2);
3. To allow an exception to Section 27-105(b)(2) to reduce the required interior side yard setback from 15 feet to 0 feet and to reduce the rear yard setback of 30 feet to 10 feet. The setbacks allowed when MA 19-02 was approved were zero for side and rear yards, per variances approved 8/12/2008, Application No. A-08-14932. The setbacks included in the MA 19-02 approval were zero feet for the interior side yard and 8 feet for the rear yard;

4. To allow an exception to Section 27-105(b)(2) to allow both residential and commercial uses at the street facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family building that will not be service or lobbies for lodging. The street facing ground level of the remainder of multi-family buildings shall contain active uses for a minimum depth of 10 feet. The need for this SLUP is necessary to allow residential uses on the ground floor of a mixed-use Shopfront Building to activate the streetscape for age restricted rental and to request variances for setbacks and maximum impervious coverage required by the PC-2 zoning in order to provide the setbacks and impervious coverage similar to that previously approved by MA 19-02. The SLUPs are needed due to the difference in zoning requirements between C-1 and PC-2.

The commercial component of the development fronts Ashford Dunwoody Road, and the 225-unit multi-family building fronts Perimeter Center East. All of the parking, which includes a 5-level, 504 space parking deck, and 14-space surface parking lot are located within the interior of the site, behind the commercial and multi-family buildings. Access into the development is proposed via a full access intersection at the rear of the site. Additionally, there is a right-in and right-out driveway found near the middle of the site along Perimeter Center East. The submitted site plan indicates that the site's storm water detention facilities is proposed underground below the surface parking lot and at the eastern perimeter of the site under the proposed new street.

In regards to streetscapes, the Ashford Dunwoody Road frontage incorporates an 8-foot street buffer, 8-foot sidewalk, and 16-feet of extra sidewalk or patio dining; and at Perimeter Center East, the frontage incorporates a 4-foot eastbound bike lane, a 6-foot sidewalk, a 5-foot landscape buffer between the travel lane and the bike lane, and a 2-foot landscape strip between the bike lane and the side walk. The remaining space will be a sidewalk extension or additional landscape area. In an effort to activate the streetscapes, all buildings are designed in proximity to their adjoining street frontages. The prominent building materials proposed include masonry tile, glass, stucco, and wood veneer.

All of the sites 235 trees, which include approximately 75% pines, will be removed. To satisfy the tree density requirements, several deciduous canopy trees of a minimum 4-inch caliper and understory canopy trees will be planted throughout the site. As well, the owner will be required to pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist.

SURROUNDING LAND ANALYSIS

The land uses around the site consists of a service station to the north, an apartment building to the east, and a bank and office complex to the south. Retail and restaurant uses, including the Perimeter Center Shopping Mall, are found west of the site, across Ashford Dunwoody Road.

Direction	Zoning	Future Land Use	Current Land Use
N	C-1 & OCR	Perimeter Center	Commercial-Service Station



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S	O-I	Perimeter Center	Office-Chase Bank, Ravinia Office Complex
E	O-I	Perimeter Center	Apartment Complex
W	C-1	Perimeter Center	Retail/Restaurants- Perimeter Mall

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.

Secondly, the development is in keeping with the Perimeter LCI goals and intended PC districts as it places the buildings close to the sidewalk to create pedestrian friendly streetscapes. Equally as important, the project is consistent with the Perimeter Center Overlay in that it creates new pedestrian amenities along two street frontages, and develops a new street and pedestrian path that provides potential for future connectivity between Perimeter Center East and Ravinia Parkway, which provides further support for approval.

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 mix of retail, restaurant, and multi-family use appears to be suitable for the site.

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, as it must be developed in accordance with a 2019 approved site plan that contains a 12-story hotel, and retail and restaurant uses. Due to the covid-19 pandemic and impacts to the hotel market, this plan has not come to fruition. Allowing changes to conditions would give the property broader economic use that provides more flexibility that meets today's market conditions.

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. Considering the development will be mixed-use with shopfronts built adjacent to the sidewalk, and it will have pedestrian friendly streetscapes mixed in with open space, the project would appear to align with the vision of a PC-2 zoned site. Moreover, the project aligns with the goals of the Perimeter Center Overlay as it improves modes of travel and transportation connectivity, specifically through the development of new wider sidewalks, and construction of a new street connection, which provides support for approval.
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 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 addition of 43,140 square feet of retail, restaurant, and commercial uses and a 225-unit senior housing will result in additional traffic to the area. However, based on findings of the updated traffic study, the potential residential portion of the development is projected to generate 502 fewer gross daily project trips, or 36% less traffic, compared to the previous Hotel gross project trip generation per the September 30, 2019 traffic study.

Still, to help mitigate the traffic impacts of the area, the developer has agreed to build a new road connection from Perimeter Center East to Ravinia Parkway and remove a curb cut on Ashford Dunwoody Road to improve traffic safety. However, completion of this road connection remains contingent on the approval of the owner of the Ravinia Office complex, which is located immediately south of the site. It is anticipated that the development will impact the southbound left-turn lane queue length; therefore, the traffic study recommends lengthening the southbound left-turn lane storage by 60 feet. Per condition 14, the developer has agreed to contribute up to \$20,000 towards the extension.

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 use is consistent with the current Comprehensive Plan's vision for providing a mixed-use livable center, which calls for a mix of residential and retail uses. In addition, the development is requesting approval of a special land use permit to allow age restricted rental. This request aligns with the Comprehensive's Plans goal of providing aging in place housing, as it allow a new option for housing specific to active adults and seniors that chose to downsize from their larger homes.
2. Whether the proposed use complies with the requirements of this zoning ordinance;
The proposed PC-2 zoning is explicitly called out in the Perimeter Center Regulating Plan under Section 27-104(1), so a rezoning to a PC-2 would be comply with the requirements of the zoning ordinance. As noted, other than the changing the hotel with senior housing, much of the site plan remains identical to the conditional site plan MA19-02 that was approved in 2019.

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 is currently zoned C-1 conditional and contains approximately 2.86 acres of land. This is adequate for the use as proposed by the applicant.

3. 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 proposed use will not create adverse impacts upon any adjoining land use due to the hours of business operations.
 - 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 surrounding area, so it should not create adverse impacts on neighboring land uses.
 - 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.

- 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 will be constructing the size, scale and massing of the proposed building in compliance with the PC-2 standards, which allows building to be up to 14 stories in height.
- 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.
4. 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 there may be some impacts to traffic on the southbound left turn lane on Ashford Dunwoody Road to Perimeter Center East. As such, staff has included a condition stating that the owner will contribute up to \$20,000 to extend the southbound turn lane for left turns from Ashford Dunwoody Road on to Perimeter Center East.
5. 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 with sufficient modifications. Staff has included a condition stating there here shall be no left turn lane into the western most driveway from Perimeter Center East into the development. Also, access at this driveway will be restricted to right in and right out turns only.
6. Whether adequate provision has been made for refuse and service areas; and
Existing refuse and services are adequate.
7. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
No shadows study has been performed at this time, so staff is unaware of an impacts of shadows to adjoining property.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission of the City of Dunwoody held a Hybrid Meeting on December 8, 2021 at 6:00 PM. Following discussion, they voted 5-0 to approve the rezoning and 4 SLUPs with all of the staff recommended conditions.

STAFF RECOMMENDATION



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Based on the written findings above, staff recommends the request to rezone from a C-1 conditional to a PC-2 and SLUPs 20-2(A), (B), (C), and (D) be **approved** subject to the following exhibit and conditions:

EXHIBIT A: Site plans, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT C: Open Space Diagram, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT D: Bldg. B Elevations (RA-4.1), completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT E: HUD Housing for Older Persons Regulations.

1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;
2. The owner shall construct the streetscaping in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works Director and Community Development Director;
3. Major façade materials shall include natural brick, natural stone and natural wood, hard coat stucco and glass, natural brick veneer or stone veneer materials and other high quality materials approved by the Community Development Director during the permit review process;
4. Stamped brick and cultured stone, manufactured stone, or other imitation materials shall be prohibited. Synthetic EIFS may be used only as accents for cornices or other minor decorative elements;
5. Maximum impervious plus semi-pervious cover shall be 78% and include pedestrian or plaza areas, as shown on "Exhibit C";
6. No monument sign shall be constructed along the Ashford Dunwoody Road frontage. As an alternative, the owner is allowed one sign with a sign area up to 120 square feet attached to the building. The design of such signage shall be incorporated into the design of the building as approved by the Community Development Director during the site plan review process. Other building signage will be allowed in accordance with Section 20-57;
7. All trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid masonry wall at least eight feet in height;
8. Prior to certificate of occupancy, the owner shall pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist;
9. All utilities servicing the site shall be underground with the exception of required above-ground elements, such as transformers and cable boxes;
10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
11. Prior to the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk, bike lane, and landscape buffers along Ashford Dunwoody Road and Perimeter Center East;



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12. Prior to the issuance of certificates of occupancy, the Owner will convey an easement on the eastern portion of the development sufficient to accommodate two travel lanes and two bicycle lanes as shown on Exhibit A to connect to adjacent property to the south. For the vehicular component, it will be responsibility of others to connect to this public easement outside of the property lines of the development. For the bicycle component, the Owner shall complete the physical connection to the adjacent property to the South prior to the issuance of certificates of occupancy unless the property owner of the adjacent property objects in writing.
13. There shall be no left turn lane into the western most driveway from Perimeter Center East into the development. Access at this driveway shall be restricted to right in and right out turns only;
14. The owner will contribute up to \$20,000 to extend the southbound turn lane for left turns from Ashford Dunwoody Road on to Perimeter Center East;
15. The uses on the site shall be limited to eating and drinking establishments, brokerage services, office, medical facilities, retail sales, lodging, personal improvement, office, non-traditional bank without a drive-thru such as a banking café, credit union, savings and loans, and laundry drop-off and pick-up service;
16. A crosswalk and pedestrian refuge shall be provided across Perimeter Center East on the northeastern corner of the property pursuant to approval of the Public Works Director;
17. The age-restricted rental building shall not exceed 14 stories in height;
18. Parking deck openings that face the apartment building to the east shall be shielded with landscaping and/or an architectural mesh, grille, screening or other cladding component that enhances the architectural character of the structure. The final design of the parking deck shall be subject to approval of the Community Development Director; and
19. The completed architectural design shall be substantially similar to "Exhibit D" and meet the requirements of the PC-2 District. Where both conflict, the requirements of the PC-2 district shall govern. The drawings shall be submitted by the Community Development Director to City Council for feedback prior to the issuance of a building permit.
20. Both residential and commercial uses are allowed at the street-facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family buildings. The street-facing ground level of the remainder of the building shall contain active uses for a minimum depth of 10 feet. Such active uses may include, but shall not be limited to, retail space, restaurants or other food sales, building leasing areas, resident lounges, lobbies, fitness centers, cycle training and cycle maintenance areas, live-work units, and residential stoops.
21. Ground-level retail spaces along Ashford-Dunwoody Road and Perimeter Center East shall have public entrances from the sidewalk that are kept open during business hours.
22. Balconies at the residential units shall have a minimum depth of 5 feet from the exterior wall.
23. The roof plaza above the retail spaces shall be open to the public during business hours.
24. The Applicant shall provide manufacturer's specifications for the pervious paver systems that conform with the site's soil percolation characteristics and the chosen engineered base and engineered sub-base. An engineer who is GA Stormwater certified (GSWCC) will provide a letter at permitting testifying that, based on the manufacturer's specifications, the chosen engineered base and engineered sub-base, the proposed pervious paver systems and similar improvements counted towards the semi-pervious cover has sufficient water permeability and is recommended for the site's soil percolation characteristics.



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25. As agreed by the developer at the February 22, 2021 City Council meeting, the land disturbance permit must be issued within two years of the date of the zoning approval or the land use reverts to what is zoned currently.
26. The applicant shall comply with the requirements of Subpart E – Housing for Older Persons of Title 24 - Housing and Urban Development. Subtitle B - Regulations Relating to Housing and Urban Development. CHAPTER I - OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A - FAIR HOUSING. PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT, as amended, and as cited on "Exhibit E".
27. The applicant shall forward the results of its verification of occupancy, as required by §100.307 of "Exhibit E", to the Community Development Director one year after receiving a Certificate of Occupancy and every two years after that.

Attachments

- EXHIBIT A: Site plans, completed by Phillips Architecture, dated February 17, 2021.
- EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.
- EXHIBIT C: Open Space Diagram, completed by Phillips Architecture, dated February 17, 2021.
- EXHIBIT D: Bldg. B Elevations (RA-4.1), completed by Phillips Architecture, dated February 17, 2021.
- EXHIBIT E: HUD Housing for Older Persons Regulations.
- RZ20-03 Application Packet
- RZ20-03 Application Addendum, dated February 12, 2021
- Landscape Plan, completed by Phillips Architecture, dated February 17, 2021
- 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 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF ZONING CASE RZ 20-03 (84, 130, and 140 Perimeter Center East, 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, JSJ Perimeter seeks permission to rezone property from its current C-1c (Local Commercial) 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 18 347 01 013, 18 347 01 031 and 18 347 01 028, are located on the southeastern side of Perimeter Center East at the intersection of Ashford Dunwoody Road, and consists of 2.86 acres; and

WHEREAS, the properties are currently consisting of a one-story vacant building and two wooded lots along Perimeter Center East; 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: 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 C-1c (Local Commercial) District conditional zoning classification to a PC-2 (Perimeter Center) District subject to the following conditions:

EXHIBIT A: Site plans, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT C: Open Space Diagram, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT D: Bldg. B Elevations (RA-4.1), completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT E: HUD Housing for Older Persons Regulations.

1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time

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- of development;
2. The owner shall construct the streetscaping in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works Director and Community Development Director;
 3. Major façade materials shall include natural brick, natural stone and natural wood, hard coat stucco and glass, natural brick veneer or stone veneer materials and other high quality materials approved by the Community Development Director during the permit review process;
 4. Stamped brick and cultured stone, manufactured stone, or other imitation materials shall be prohibited. Synthetic EIFS may be used only as accents for cornices or other minor decorative elements;
 5. Maximum impervious plus semi-pervious cover shall be 78% and include pedestrian or plaza areas, as shown on "Exhibit C";
 6. No monument sign shall be constructed along the Ashford Dunwoody Road frontage. As an alternative, the owner is allowed one sign with a sign area up to 120 square feet attached to the building. The design of such signage shall be incorporated into the design of the building as approved by the Community Development Director during the site plan review process. Other building signage will be allowed in accordance with Section 20-57;
 7. All trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid masonry wall at least eight feet in height;
 8. Prior to certificate of occupancy, the owner shall pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist;
 9. All utilities servicing the site shall be underground with the exception of required above-ground elements, such as transformers and cable boxes;
 10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
 11. Prior to the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk, bike lane, and landscape buffers along Ashford Dunwoody Road and Perimeter Center East;
 12. Prior to the issuance of certificates of occupancy, the Owner will convey an easement on the eastern portion of the development sufficient to accommodate two travel lanes and two bicycle lanes as shown on Exhibit A to connect to adjacent property to the south. For the vehicular component, it will be responsibility of others to connect to this public easement outside of the property lines of the development. For the bicycle component, the Owner shall complete the physical connection to the adjacent property to the South prior to the issuance of certificates of occupancy unless the property owner of the adjacent property objects in writing.
 13. There shall be no left turn lane into the western most driveway from Perimeter Center East into the development. Access at this driveway shall be restricted to right in and right out turns only;
 14. The owner will contribute up to \$20,000 to extend the southbound turn lane for left turns from Ashford Dunwoody Road on to Perimeter Center East;
 15. The uses on the site shall be limited to eating and drinking establishments, brokerage services, office, medical facilities, retail sales, lodging, personal improvement, office, non-traditional bank without a drive-thru such as a banking café, credit union, savings and loans, and laundry drop-off and pick-up service;
 16. A crosswalk and pedestrian refuge shall be provided across Perimeter Center East on the northeastern corner of the property pursuant to approval of the Public Works Director;
 17. The age-restricted rental building shall not exceed 14 stories in height;

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CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

18. Parking deck openings that face the apartment building to the east shall be shielded with landscaping and/or an architectural mesh, grille, screening or other cladding component that enhances the architectural character of the structure. The final design of the parking deck shall be subject to approval of the Community Development Director; and
19. The completed architectural design shall be substantially similar to "Exhibit D" and meet the requirements of the PC-2 District. Where both conflict, the requirements of the PC-2 district shall govern. The drawings shall be submitted by the Community Development Director to City Council for feedback prior to the issuance of a building permit.
20. Both residential and commercial uses are allowed at the street-facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family buildings. The street-facing ground level of the remainder of the building shall contain active uses for a minimum depth of 10 feet. Such active uses may include, but shall not be limited to, retail space, restaurants or other food sales, building leasing areas, resident lounges, lobbies, fitness centers, cycle training and cycle maintenance areas, live-work units, and residential stoops.
21. Ground-level retail spaces along Ashford-Dunwoody Road and Perimeter Center East shall have public entrances from the sidewalk that are kept open during business hours.
22. Balconies at the residential units shall have a minimum depth of 5 feet from the exterior wall.
23. The roof plaza above the retail spaces shall be open to the public during business hours.
24. The Applicant shall provide manufacturer's specifications for the pervious paver systems that conform with the site's soil percolation characteristics and the chosen engineered base and engineered sub-base. An engineer who is GA Stormwater certified (GSWCC) will provide a letter at permitting testifying that, based on the manufacturer's specifications, the chosen engineered base and engineered sub-base, the proposed pervious paver systems and similar improvements counted towards the semi-pervious cover has sufficient water permeability and is recommended for the site's soil percolation characteristics.
25. As agreed by the developer at the February 22, 2021 City Council meeting, the land disturbance permit must be issued within two years of the date of the zoning approval or the land use reverts to what is zoned currently.
26. The applicant shall comply with the requirements of Subpart E – Housing for Older Persons of Title 24 - Housing and Urban Development. Subtitle B - Regulations Relating to Housing and Urban Development. CHAPTER I - OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A - FAIR HOUSING. PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT, as amended, and as cited on "Exhibit E".
27. The applicant shall forward the results of its verification of occupancy, as required by §100.307 of "Exhibit E", to the Community Development Director one year after receiving a Certificate of Occupancy and every two years after that.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2021.

Approved by:

Lynn Deutsch, Mayor

Attest:

Approved as to Form and Content

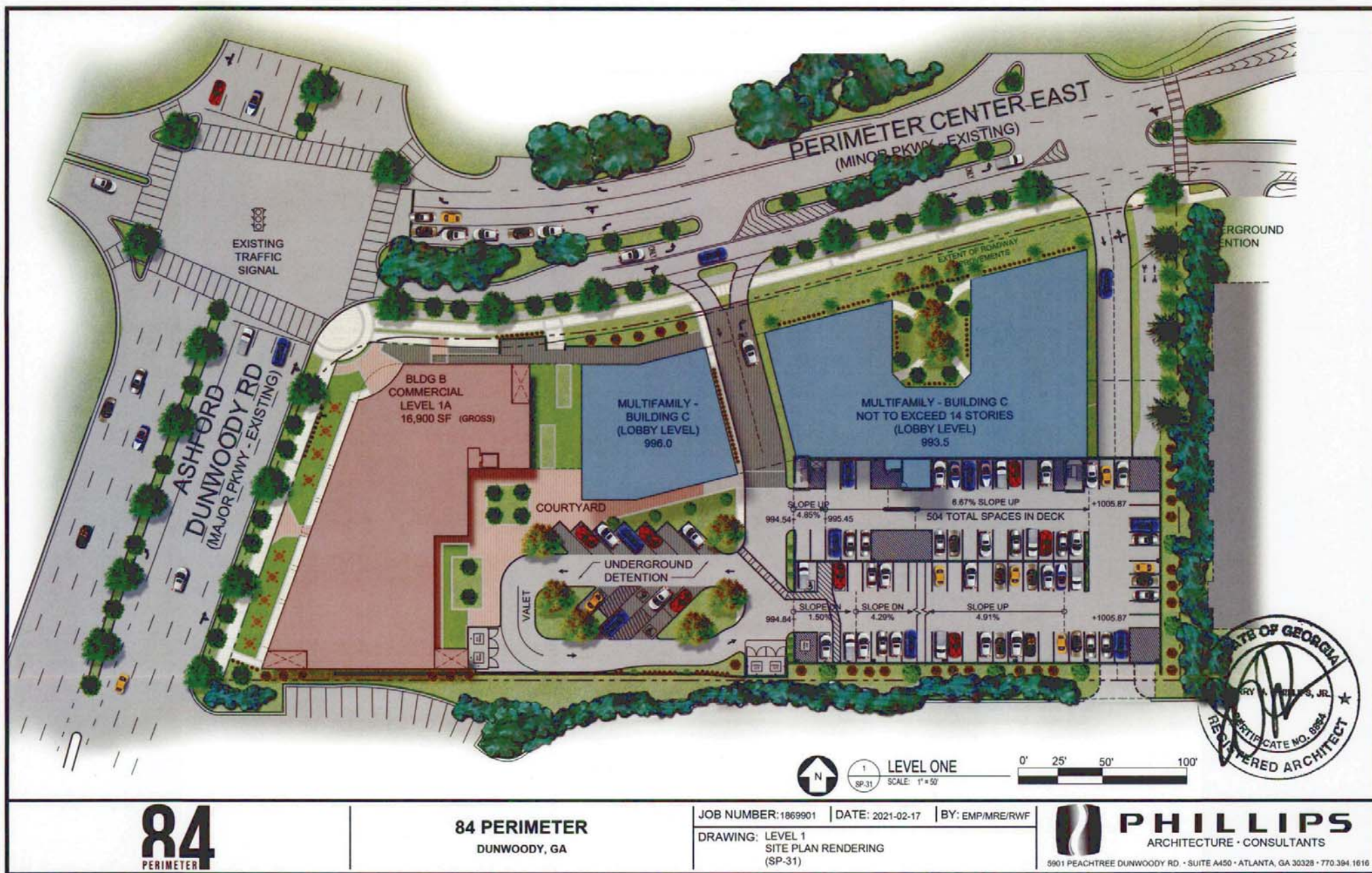
STATE OF GEORGIA
CITY OF DUNWOODY

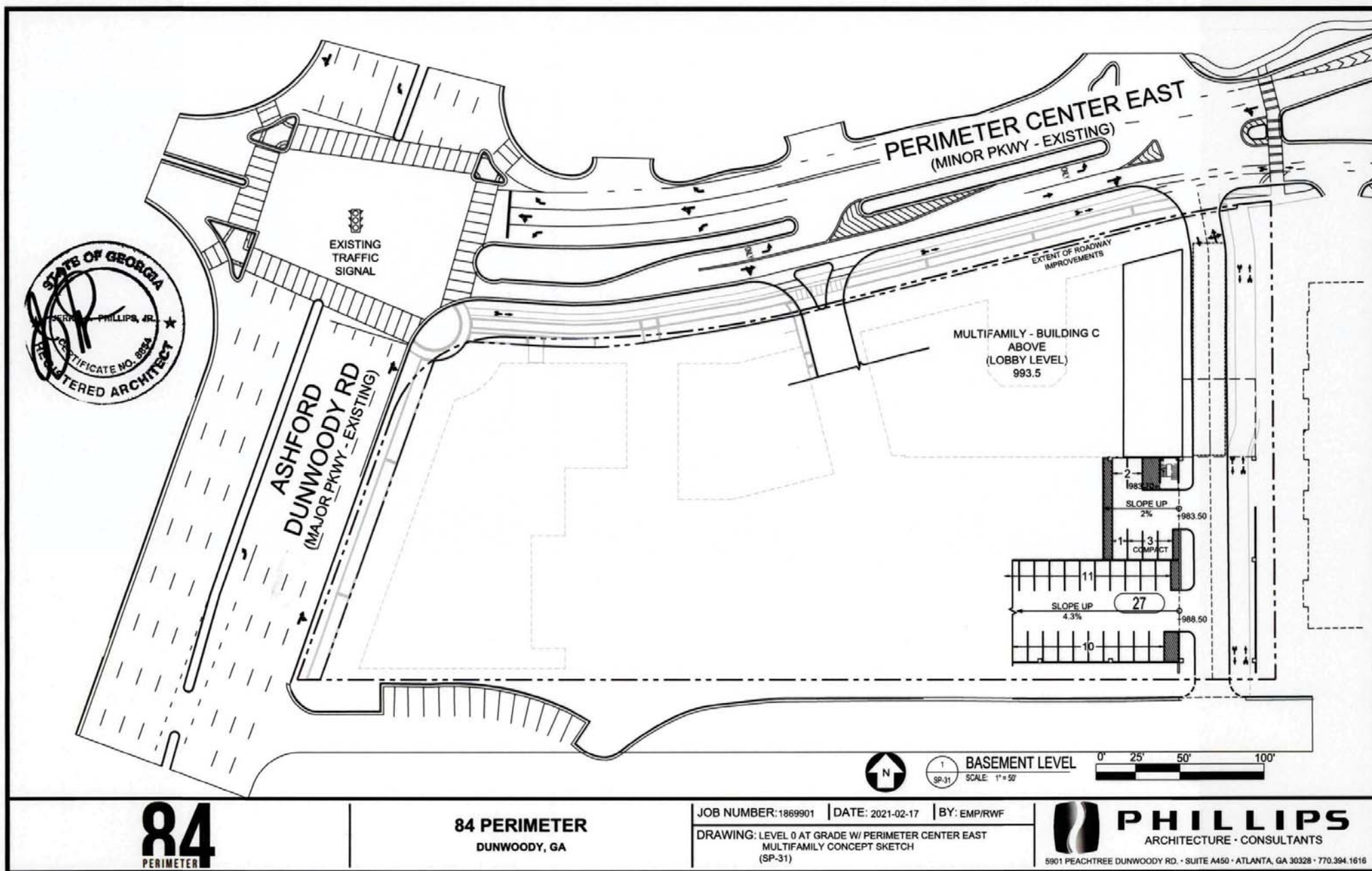
ORDINANCE 2021-XX-XX

Sharon Lowery, City Clerk

Office of City Attorney

SEAL





BUILDING SUMMARY (GROSS)

	GROSS AREA
BLDG B - LEVEL 1	16,900 SF
BLDG B - LEVEL 2	13,210 SF
BLDG B - LEVEL 3	10,348 SF
TOTAL BUILDING AREA	40,458 SF

BUILDING SUMMARY

COMMERCIAL (GROSS AREA)	40,458 SF
MULTIFAMILY (NOT TO EXCEED)	225 UNITS

PARKING SUMMARY

TOTAL PARKING PROVIDED	504 SPACES
------------------------	------------

EXISTING
TRAFFIC
SIGNALASHFORD
DUNWOODY RD
(MAJOR PKWY - EXISTING)BLDG B
COMMERCIAL
LEVEL 1A
16,900 SF (GROSS)MULTIFAMILY -
BUILDING C
(LOBBY LEVEL)
996.0MULTIFAMILY - BUILDING C
NOT TO EXCEED 14 STORIES
(LOBBY LEVEL)
993.5

COURTYARD

UNDERGROUND
DETENTION

VALET

SLOPE UP 4.85% 994.54 995.45 6.67% SLOPE UP 1005.87

504 TOTAL SPACES IN DECK

SLOPE DN 1.50% 994.54 995.45 4.29% SLOPE UP 4.91% 1005.87

SLOPE DN 4.29% 994.54 995.45 4.91% SLOPE UP 1005.87

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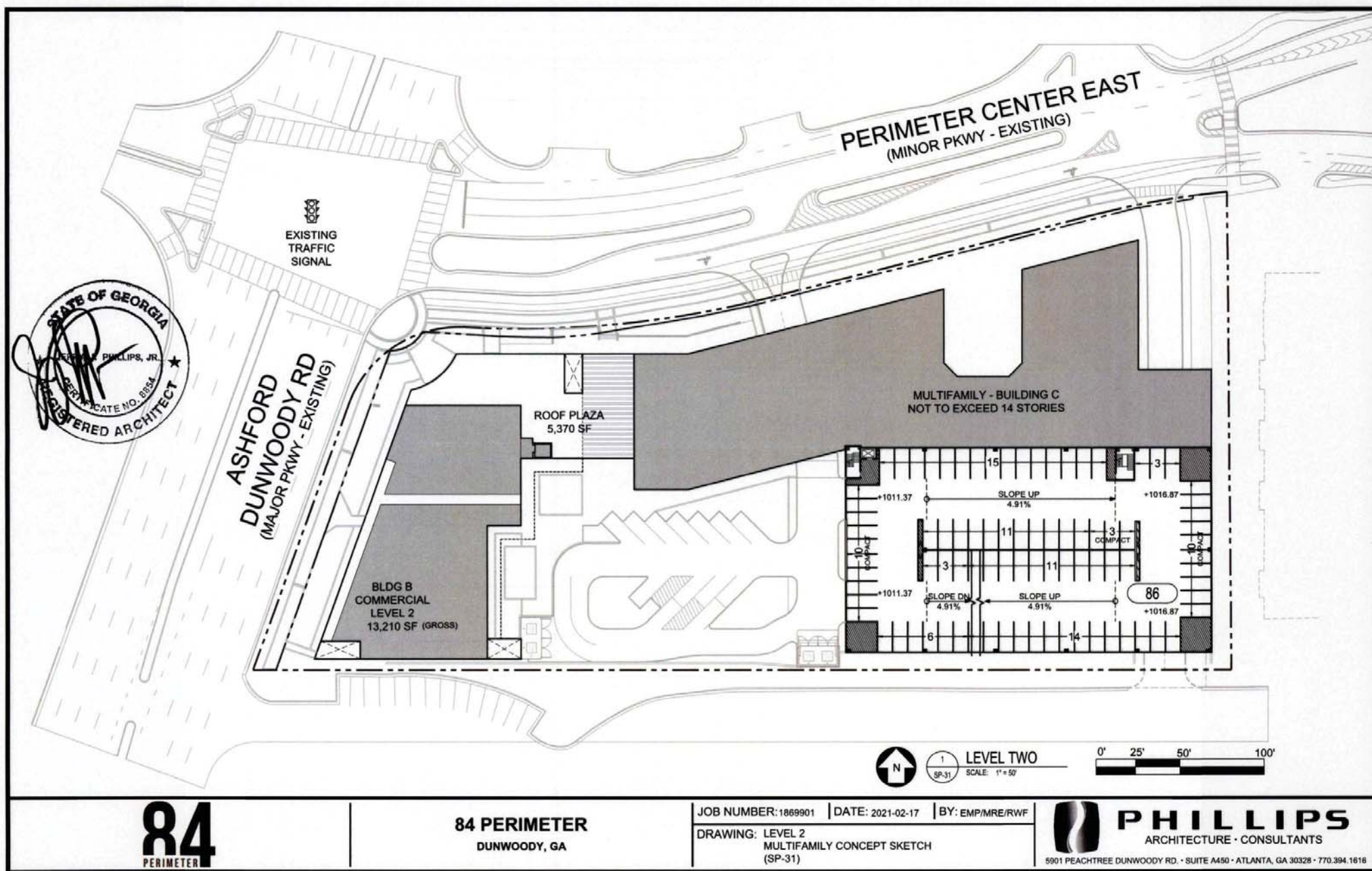
SLOPE UP 4.91% 1005.87

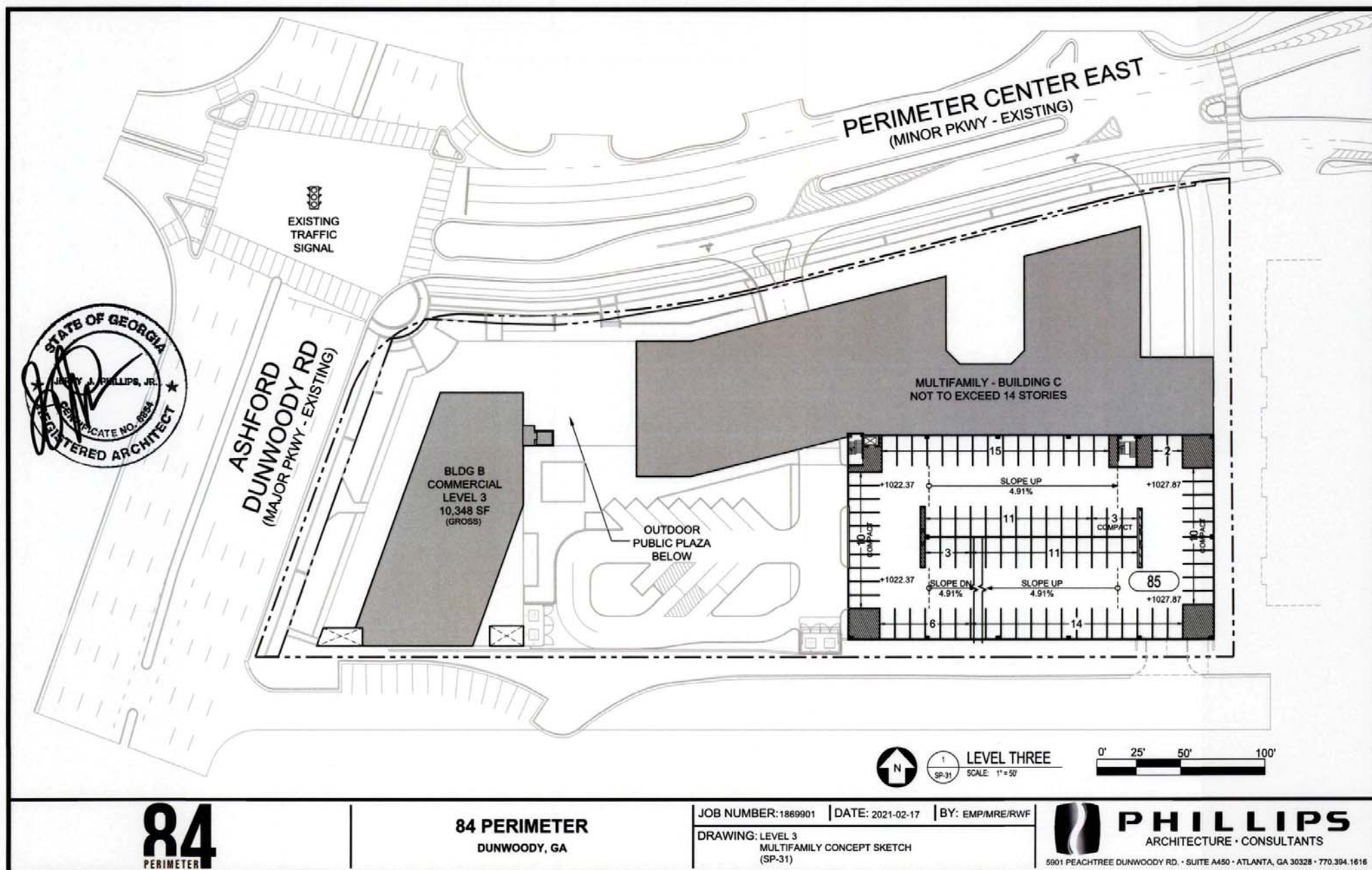
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SCALE: 1" = 50'

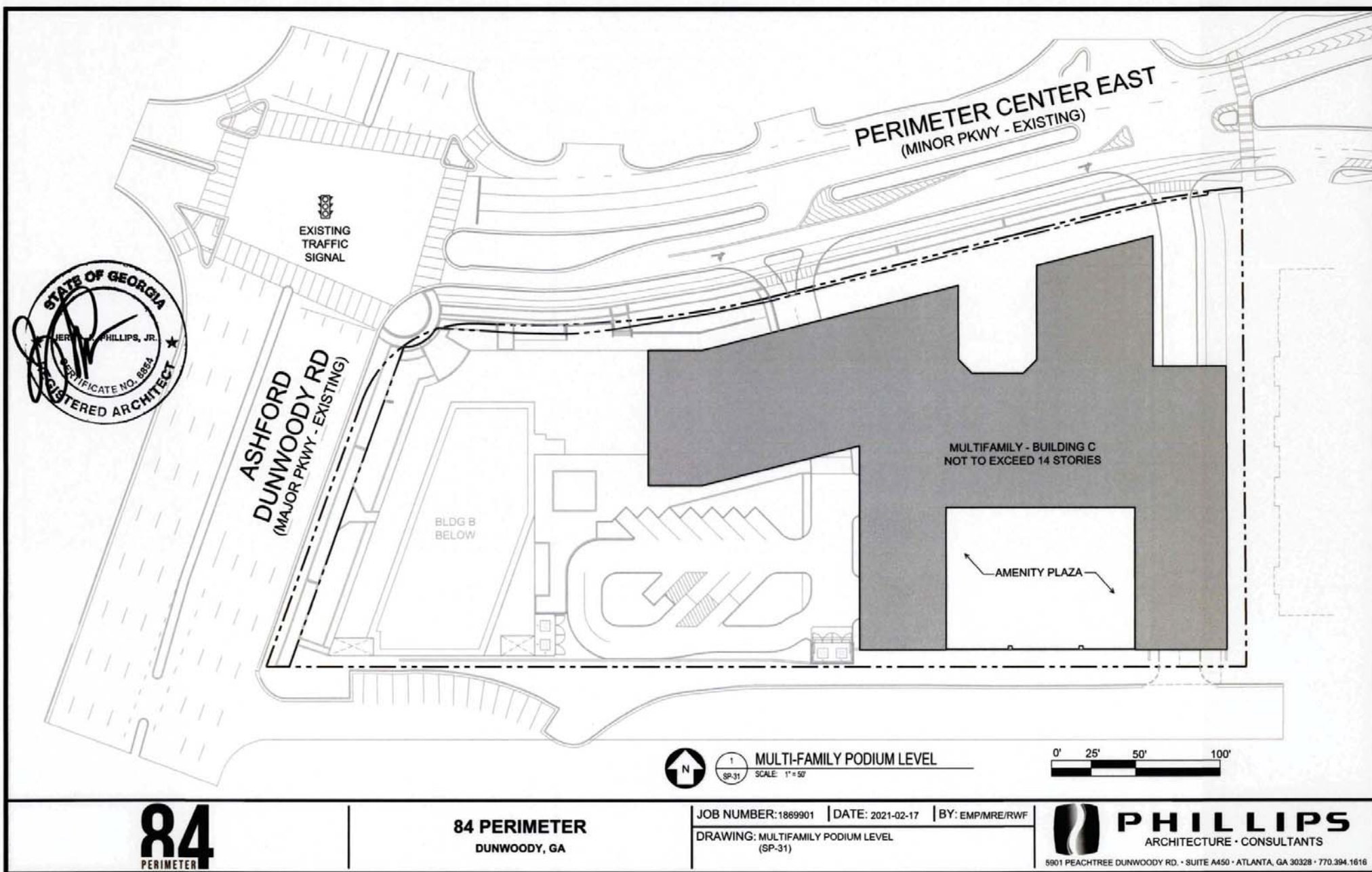
0' 25' 50' 100'

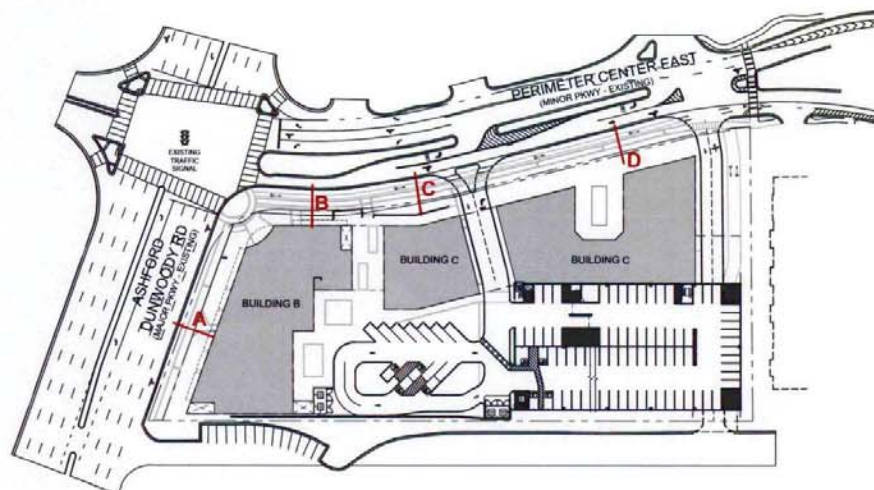
84
PERIMETER**84 PERIMETER**
DUNWOODY, GAJOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF
DRAWING: LEVEL 1
MULTIFAMILY CONCEPT SKETCH
(SP-31)**PHILLIPS**
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616

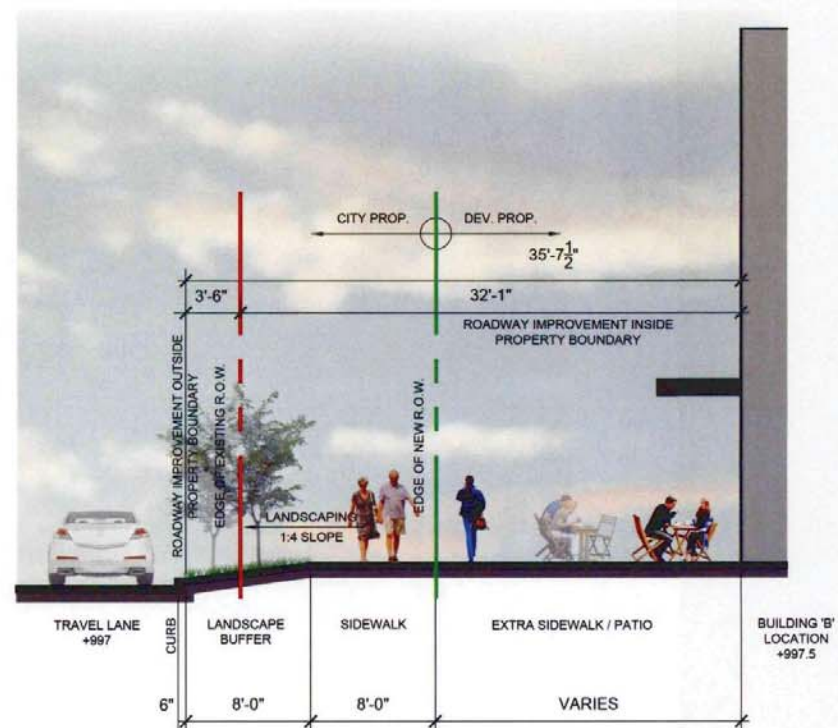








1 KEY SITE PLAN
SP-31 SCALE: N.T.S.



2 STREETScape SECTION 'A'
SP-31 SCALE: 1/8" = 1'-0"

84
PERIMETER

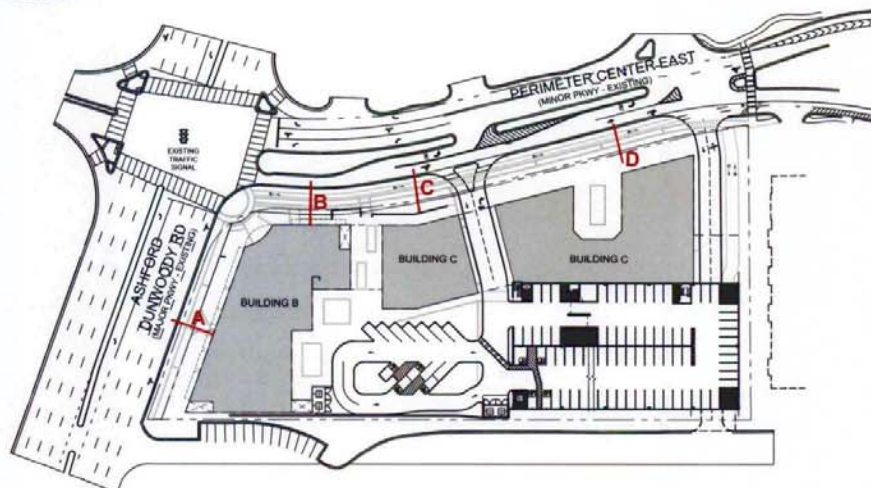
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DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
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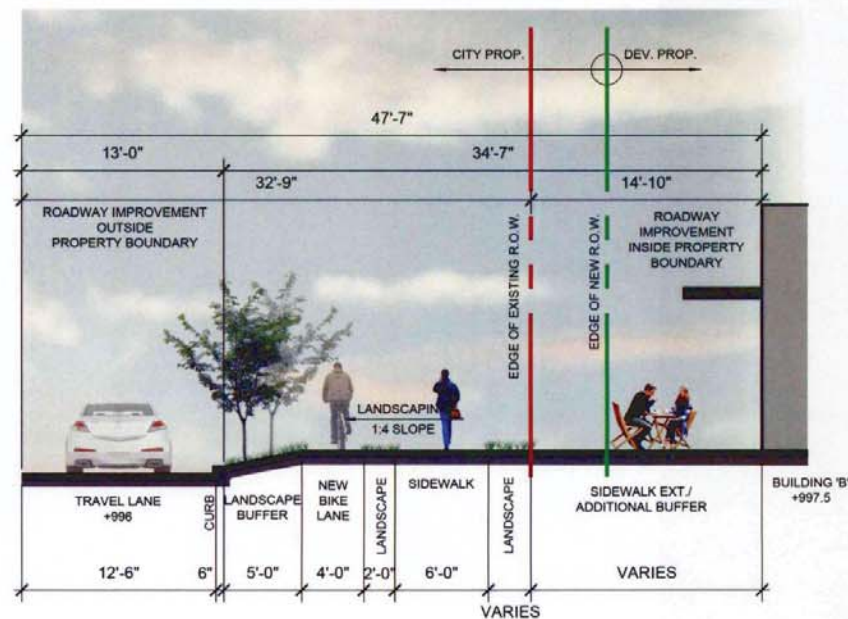


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1 KEY SITE PLAN
SP-31 SCALE: N.T.S.



2 STREETScape SECTION 'B'
SP-31 SCALE: 1/8" = 1'-0"

84
PERIMETER

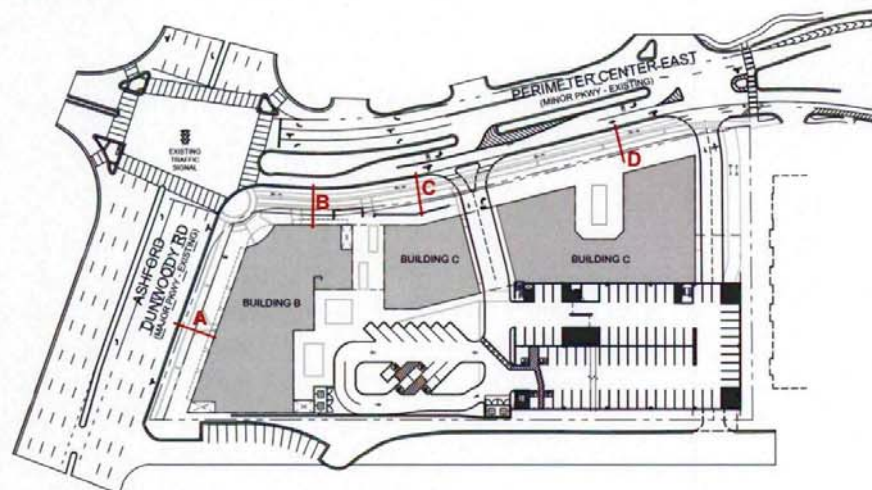
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DUNWOODY, GA

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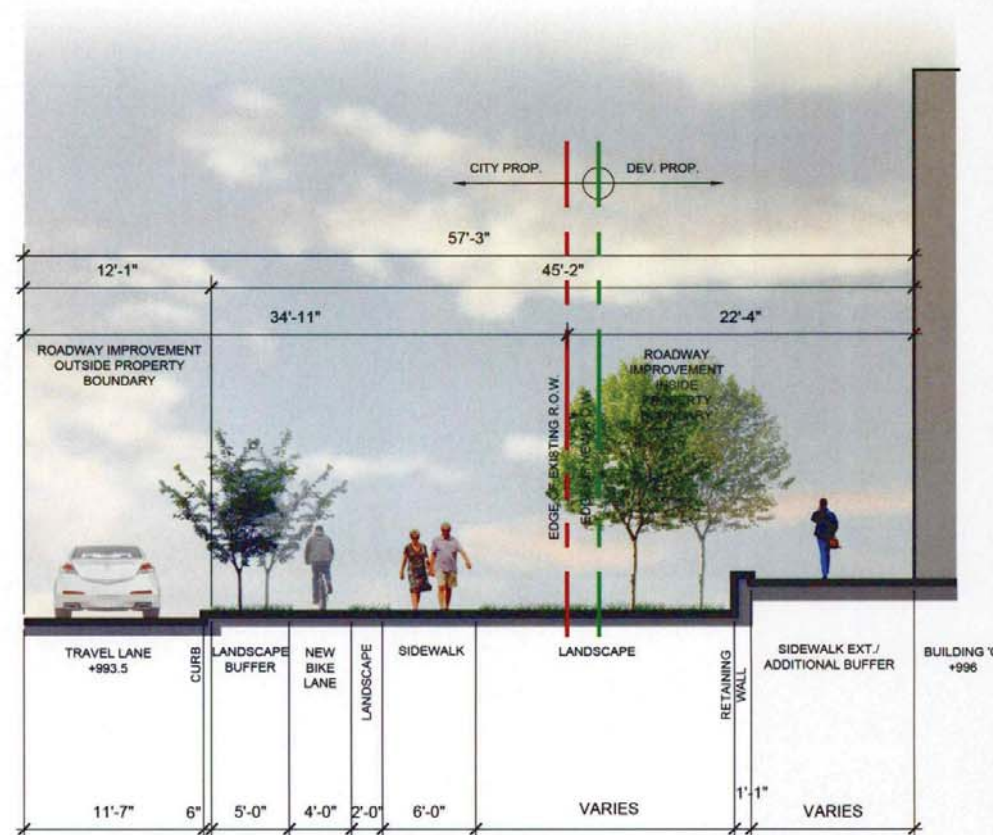


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1 KEY SITE PLAN
SCALE: N.T.S.



2 STREETScape SECTION 'C'
SCALE: 1/8" = 1'-0"

84
PERIMETER

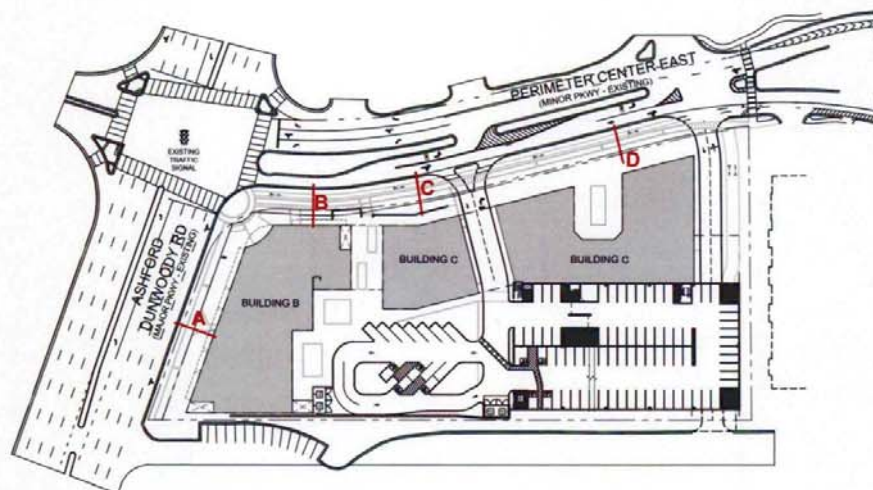
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DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
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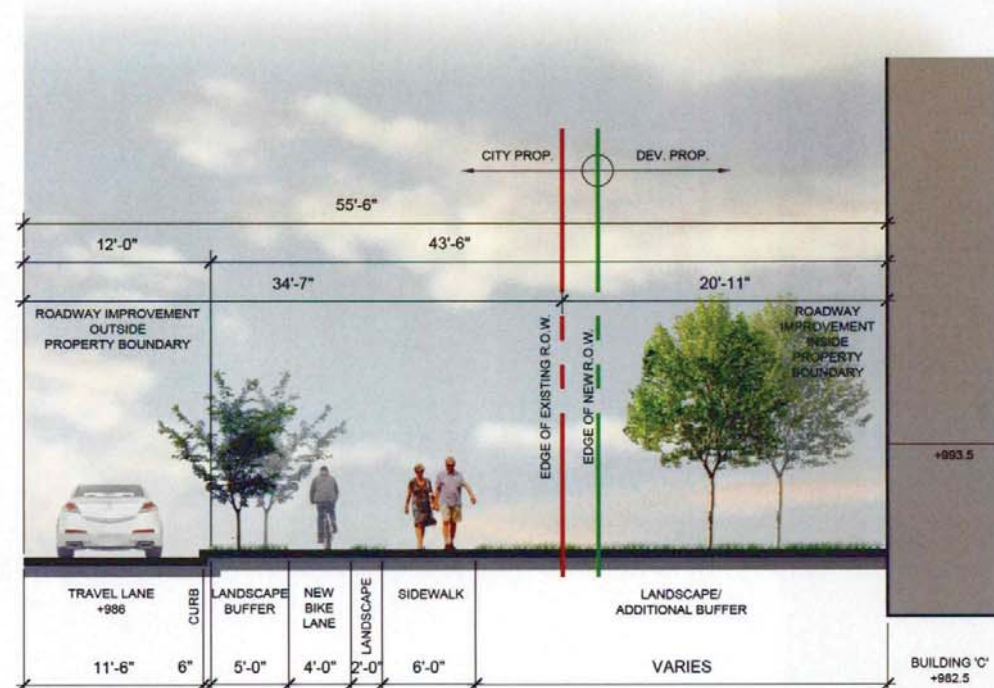


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1 KEY SITE PLAN
SCALE: N.T.S. [UPDATED 10/05/20]



2 STREETScape SECTION 'D'
SCALE: 1/8" = 1'-0"

84
PERIMETER

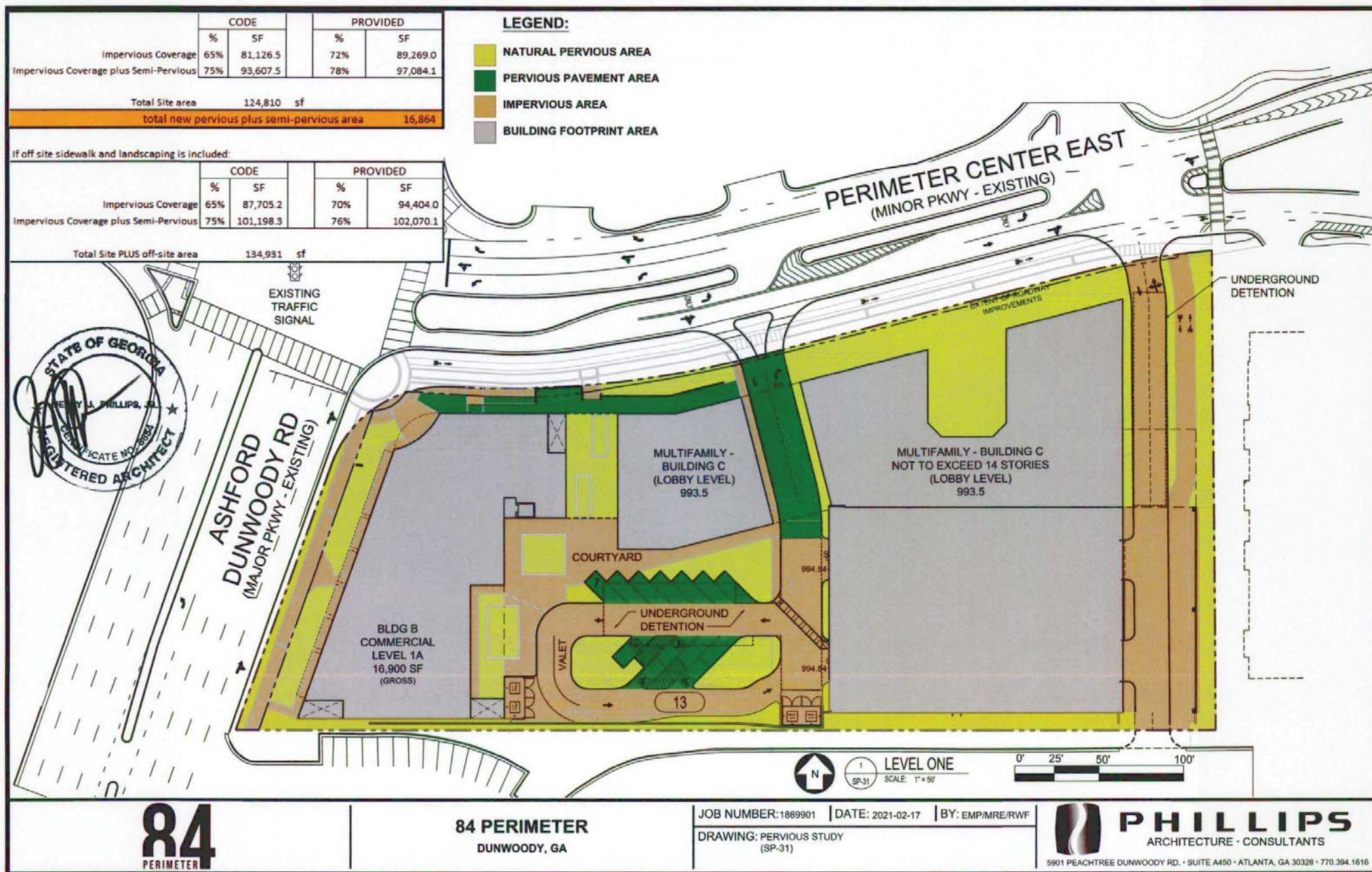
84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
DRAWING: STREETScape SECTION 'D'



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PHILLIPS
CONSULTANT

SEAL

ISSUE & REVISION RECORD

DATE DESCRIPTION

#	DATE	DESCRIPTION

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PROJECT

84
PERIMETER
DUNWOODY, GA

CLIENT

84
PERIMETER

PHILLIPS JOB NUMBER

1000001

ISSUE DATE

02/17/21

DRAWN BY/CHECKED BY

EMP: RP

DRAWING TITLE

BLDG. B ELEVATIONS

SHEET NUMBER

RA-4.1

5901 PEACHTREE DUNWOODY RD.
BUILDING A, SUITE 450
ATLANTA, GEORGIA 30328

PRELIMINARY (SUBJECT TO CHANGE)



1 WEST ELEVATION - ASHFORD DUNWOODY RD. FACADE
RA-4.1 SCALE: 3/32" = 1'-0"



2 NORTH ELEVATION - PERIMETER CENTER EAST FACADE
RA-4.1 SCALE: 3/32" = 1'-0"



3 3D VIEW A - INTERSECTION VIEW
RA-4.1 SCALE



4 3D VIEW B - COURTYARD VIEW
RA-4.1 SCALE



5 3D VIEW C - ASHFORD DUNWOODY ROAD VIEW
RA-4.1 SCALE

Code of Federal Regulations

Title 24 - Housing and Urban Development

Volume: 1

Date: 2017-04-01

Original Date: 2017-04-01

Title: Subpart E - Housing for Older Persons

Context: Title 24 - Housing and Urban Development. Subtitle B - Regulations Relating to Housing and Urban Development. CHAPTER I - OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A - FAIR HOUSING. PART 100 - DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT.

§ 100.304 Housing for persons who are 55 years of age or older.

(a) The provisions regarding familial status in this part shall not apply to housing intended and operated for persons 55 years of age or older. Housing qualifies for this exemption if:

(1) The alleged violation occurred before December 28, 1995 and the housing community or facility complied with the HUD regulations in effect at the time of the alleged violation; or

(2) The alleged violation occurred on or after December 28, 1995 and the housing community or facility complies with:

(i) Section 807(b)(2)(C) (42 U.S.C. 3607(b)) of the Fair Housing Act as amended; and

(ii) 24 CFR 100.305, 100.306, and 100.307.

(b) For purposes of this subpart, *housing facility or community* means any dwelling or group of dwelling units governed by a common set of rules, regulations or restrictions. A portion or portions of a single building shall not constitute a housing facility or community. Examples of a housing facility or community include, but are not limited to:

(1) A condominium association;

(2) A cooperative;

(3) A property governed by a homeowners' or resident association;

(4) A municipally zoned area;

(5) A leased property under common private ownership;

(6) A mobile home park; and

(7) A manufactured housing community.

(c) For purposes of this subpart, *older person* means a person 55 years of age or older.

[64 FR 16329, Apr. 2, 1999]

§ 100.305 80 percent occupancy.

(a) In order for a housing facility or community to qualify as housing for older persons under § 100.304, at least 80 percent of its occupied units must be occupied by at least one person 55 years of age or older.

(b) For purposes of this subpart, *occupied unit* means:

(1) A dwelling unit that is actually occupied by one or more persons on the date that the exemption is claimed; or

(2) A temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

(c) For purposes of this subpart, *occupied by at least one person 55 years of age or older* means that on the date the exemption for housing designed for persons who are 55 years of age or older is claimed:

(1) At least one occupant of the dwelling unit is 55 years of age or older; or

(2) If the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacated was 55 years of age or older.

(d) Newly constructed housing for first occupancy after March 12, 1989 need not comply with the requirements of this section until at least 25 percent of the units are occupied. For purposes of this section, newly constructed housing includes a facility or community that has been wholly unoccupied for at least 90 days prior to re-occupancy due to renovation or rehabilitation.

(e) Housing satisfies the requirements of this section even though:

(1) On September 13, 1988, under 80 percent of the occupied units in the housing facility or community were occupied by at least one person 55 years of age or older, provided that at least 80 percent of the units occupied by new occupants after September 13, 1988 are occupied by at least one person 55 years of age or older.

(2) There are unoccupied units, provided that at least 80 percent of the occupied units are occupied by at least one person 55 years of age or older.

(3) There are units occupied by employees of the housing facility or community (and family members residing in the same unit) who are under 55 years of age, provided the employees perform substantial duties related to the management or maintenance of the facility or community.

(4) There are units occupied by persons who are necessary to provide a reasonable accommodation to disabled residents as required by § 100.204 and who are under the age of 55.

(5) For a period expiring one year from the effective date of this final regulation, there are insufficient units occupied by at least one person 55 years of age or older, but the housing facility or community, at the time the exemption is asserted:

(i) Has reserved all unoccupied units for occupancy by at least one person 55 years of age or older until at least 80 percent of the units are occupied by at least one person who is 55 years of age or older; and

(ii) Meets the requirements of §§ 100.304, 100.306, and 100.307.

(f) For purposes of the transition provision described in § 100.305(e)(5), a housing facility or community may not evict, refuse to renew leases, or otherwise penalize families with children who reside in the facility or community in order to achieve occupancy of at least 80 percent of the occupied units by at least one person 55 years of age or older.

(g) Where application of the 80 percent rule results in a fraction of a unit, that unit shall be considered to be included in the units that must be occupied by at least one person 55 years of age or older.

(h) Each housing facility or community may determine the age restriction, if any, for units that are not occupied by at least one person 55 years of age or older, so long as the housing facility or community complies with the provisions of § 100.306.

[64 FR 16329, Apr. 2, 1999]

§ 100.306 Intent to operate as housing designed for persons who are 55 years of age or older.

(a) In order for a housing facility or community to qualify as housing designed for persons who are 55 years of age or older, it must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years of age or older. The following factors, among others, are considered relevant in determining whether the housing facility or community has complied with this requirement:

- (1) The manner in which the housing facility or community is described to prospective residents;
- (2) Any advertising designed to attract prospective residents;
- (3) Lease provisions;
- (4) Written rules, regulations, covenants, deed or other restrictions;
- (5) The maintenance and consistent application of relevant procedures;
- (6) Actual practices of the housing facility or community; and
- (7) Public posting in common areas of statements describing the facility or community as housing for persons 55 years of age or older.

(b) Phrases such as “adult living”, “adult community”, or similar statements in any written advertisement or prospectus are not consistent with the intent that the housing facility or community intends to operate as housing for persons 55 years of age or older.

(c) If there is language in deed or other community or facility documents which is inconsistent with the intent to provide housing for persons who are 55 years of age or older housing, HUD shall consider documented evidence of a good faith attempt to remove such language in determining whether the housing facility or community complies with the requirements of this section in conjunction with other evidence of intent.

(d) A housing facility or community may allow occupancy by families with children as long as it meets the requirements of §§ 100.305 and 100.306(a). (Approved by the Office of Management and Budget under control number 2529-0046)

[64 FR 16330, Apr. 2, 1999]

§ 100.307 Verification of occupancy.

(a) In order for a housing facility or community to qualify as housing for persons 55 years of age or older, it must be able to produce, in response to a complaint filed under this title, verification of compliance with § 100.305 through reliable surveys and affidavits.

(b) A facility or community shall, within 180 days of the effective date of this rule, develop procedures for routinely determining the occupancy of each unit, including the identification of whether at least one occupant of each unit is 55 years of age or older. Such procedures may be part of a normal leasing or purchasing arrangement.

(c) The procedures described in paragraph (b) of this section must provide for regular updates, through surveys or other means, of the initial information supplied by the occupants of the housing facility or community. Such updates must take place at least once every two years. A survey may include information regarding whether any units are occupied by persons described in paragraphs (e)(1), (e)(3), and (e)(4) of § 100.305.

(d) Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:

(1) Driver's license;

(2) Birth certificate;

(3) Passport;

(4) Immigration card;

(5) Military identification;

(6) Any other state, local, national, or international official documents containing a birth date of comparable reliability; or

(7) A certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.

(e) A facility or community shall consider any one of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

(f) The housing facility or community must establish and maintain appropriate policies to require that occupants comply with the age verification procedures required by this section.

(g) If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the housing facility or community may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:

(1) Government records or documents, such as a local household census;

(2) Prior forms or applications; or

(3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

(h) Surveys and verification procedures which comply with the requirements of this section shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy.

(i) A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person. (Approved by the Office of Management and Budget under control number 2529-0046)

[64 FR 16330, Apr. 2, 1999]

§ 100.308 Good faith defense against civil money damages.

(a) A person shall not be held personally liable for monetary damages for discriminating on the basis of familial status, if the person acted with the good faith belief that the housing facility or community qualified for a housing for older persons exemption under this subpart.

(b)(1) A person claiming the good faith belief defense must have actual knowledge that the housing facility or community has, through an authorized representative, asserted in writing that it qualifies for a housing for older persons exemption.

(2) Before the date on which the discrimination is claimed to have occurred, a community or facility, through its authorized representatives, must certify, in writing and under oath or affirmation, to the person subsequently claiming the defense that it complies with the requirements for such an exemption as housing for persons 55 years of age or older in order for such person to claim the defense.

(3) For purposes of this section, an authorized representative of a housing facility or community means the individual, committee, management company, owner, or other entity having the responsibility for adherence to the requirements established by this subpart.

(4) For purposes of this section, a person means a natural person.

(5) A person shall not be entitled to the good faith defense if the person has actual knowledge that the housing facility or community does not, or will not, qualify as housing for persons 55 years of age or older. Such a person will be ineligible for the good faith defense regardless of whether the person received the written assurance described in paragraph (b) of this section.

[64 FR 16330, Apr. 2, 1999]

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.

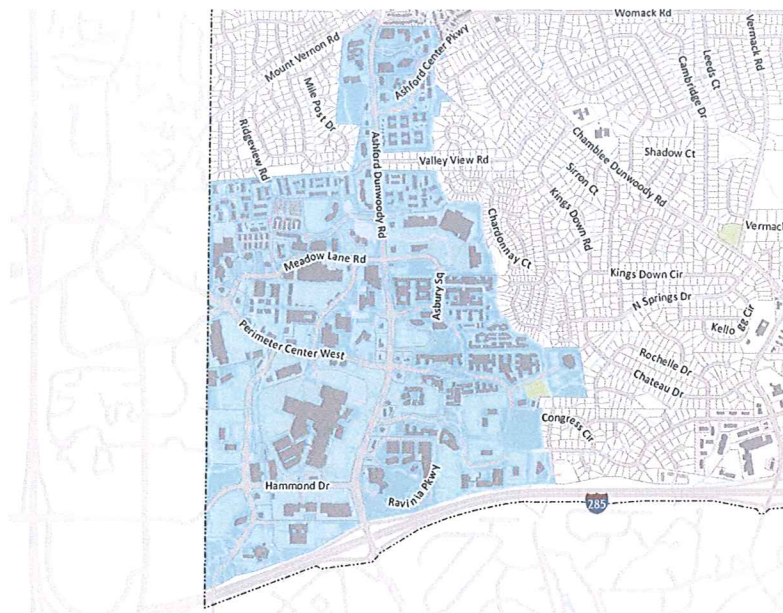


FIGURE 13: Perimeter Center Character Area Map

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.



Know what's below.
Call before you dig.



MEMORANDUM

To: Mr. John DiGiovanni

From: Mr. John D. Walker, P.E., PTOE

Date: November 18, 2020

RE: **84 Perimeter – City of Dunwoody – Trip Generation Comparison Memo**

Kimley-Horn is pleased to provide this opinion memorandum regarding the project trip generation potential for the proposed *84 Perimeter* development in the City of Dunwoody, Georgia.

PROJECT OVERVIEW

The approximate 2.8-acre site is located just south of Perimeter Center East, just north of Ravinia Road, and just east of Ashford Dunwoody Road in the City of Dunwoody, Georgia. The site location map and site aerial are shown on **Figures 1 and 2**. A September 2019 Traffic Study was completed for this mixed use site that included a proposed hotel.

Now, as currently envisioned, the proposed development will replace the hotel with a proposed multifamily building. The purpose of this memo is to determine how the traffic compares between hotel and multifamily, therefore, the following scenarios were considered for the comparison:

1. Hotel – 160 Rooms (*per the September 30, 2019 Traffic Study*)
2. Age-Restricted / Senior Adult Housing – 225 Units
3. Multifamily Housing (Mid-Rise) – 225 Units

TRIP GENERATION

Project traffic, for the purposes of this evaluation, is defined as the vehicle trips expected to be generated by the Subject Property. Anticipated trip generation for the *84 Perimeter* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition, 2017. This analysis compared the projected trips associated with the previously studied Hotel use (ITE Code 310) versus Age-Restricted / Senior Adult Housing - Attached (ITE Code 252) and Multifamily Housing (Mid-Rise) (ITE Code 221).

The density and the anticipated gross project trip generation comparison are summarized in **Table 1**.

Table 1: Trip Generation Comparison (Gross Trips)												
84 Perimeter												
Scenario	Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Per the September 30, 2019 Traffic Study												
1.	Hotel	310	160 rooms	1,380	690	690	75	44	31	94	48	46
Currently Considered												
2.	Age-Restricted / Senior Adult Housing – Attached	252	225 units	878	439	439	45	16	29	56	31	25
3.	Multifamily Housing (Mid-Rise)	221	225 units	1,224	612	612	76	20	56	96	59	37

SUMMARY

Based on the findings above, the potential residential portion of the *84 Perimeter* development is projected to generate 502 fewer gross daily project trips, 30 fewer AM peak hour trips, and 38 fewer PM peak hour trips for Age-Restricted / Senior Adult Housing (Scenario 2), or 156 fewer daily gross project trips, 1 more AM peak hour trip, and 2 more PM peak hour trips for Multifamily Housing (Scenario 3), compared to the previous Hotel gross project trip generation per the September 30, 2019 traffic study. Or, in other words, based on the projected daily traffic, Scenario 2 (Age-Restricted / Senior Adult Housing) generates 36% less traffic than hotel, and Scenario 3 (Multifamily Housing) generates 11% less traffic than hotel.

I hope this information is helpful. If you have any questions concerning this letter or need additional information, please do not hesitate to contact me.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



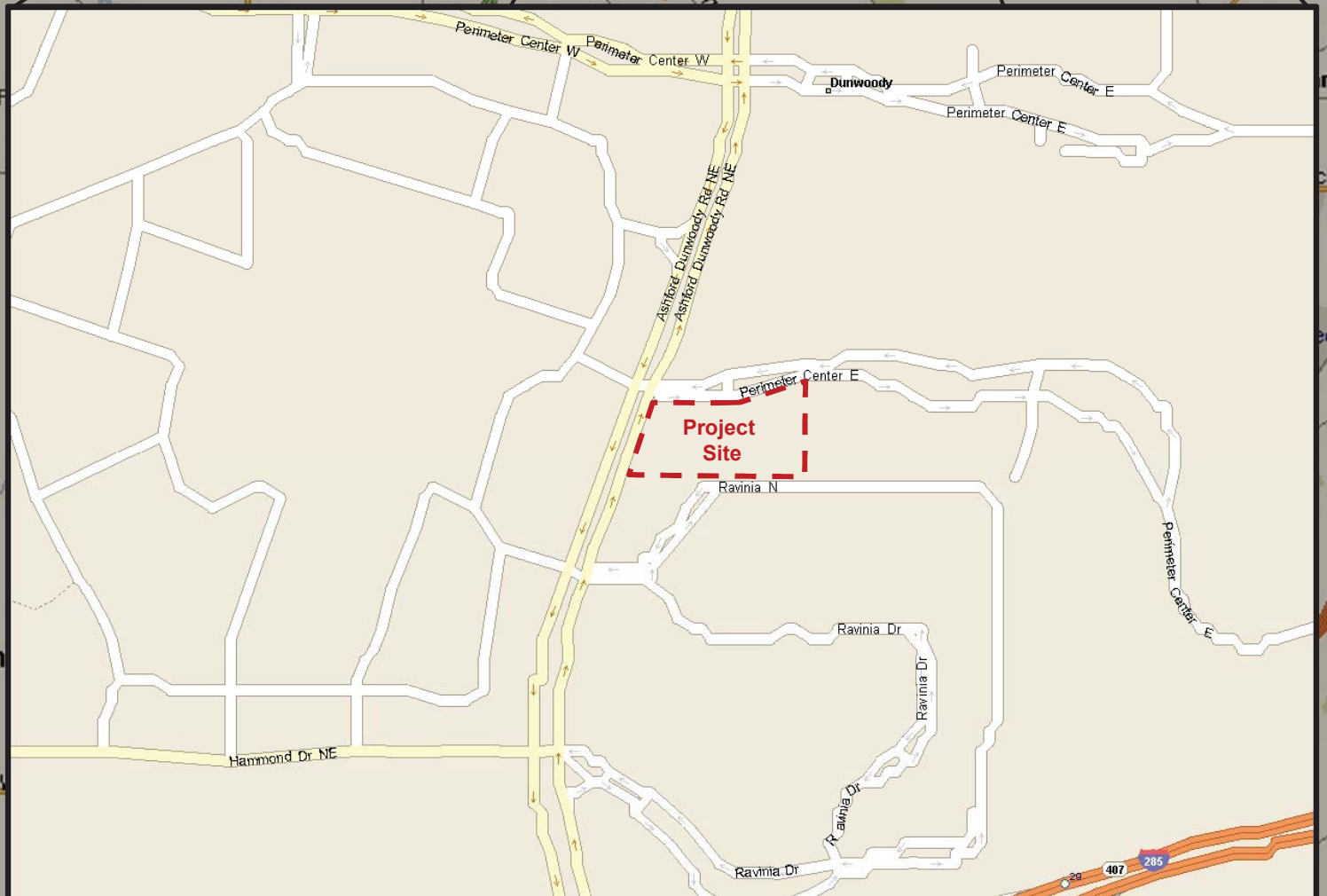
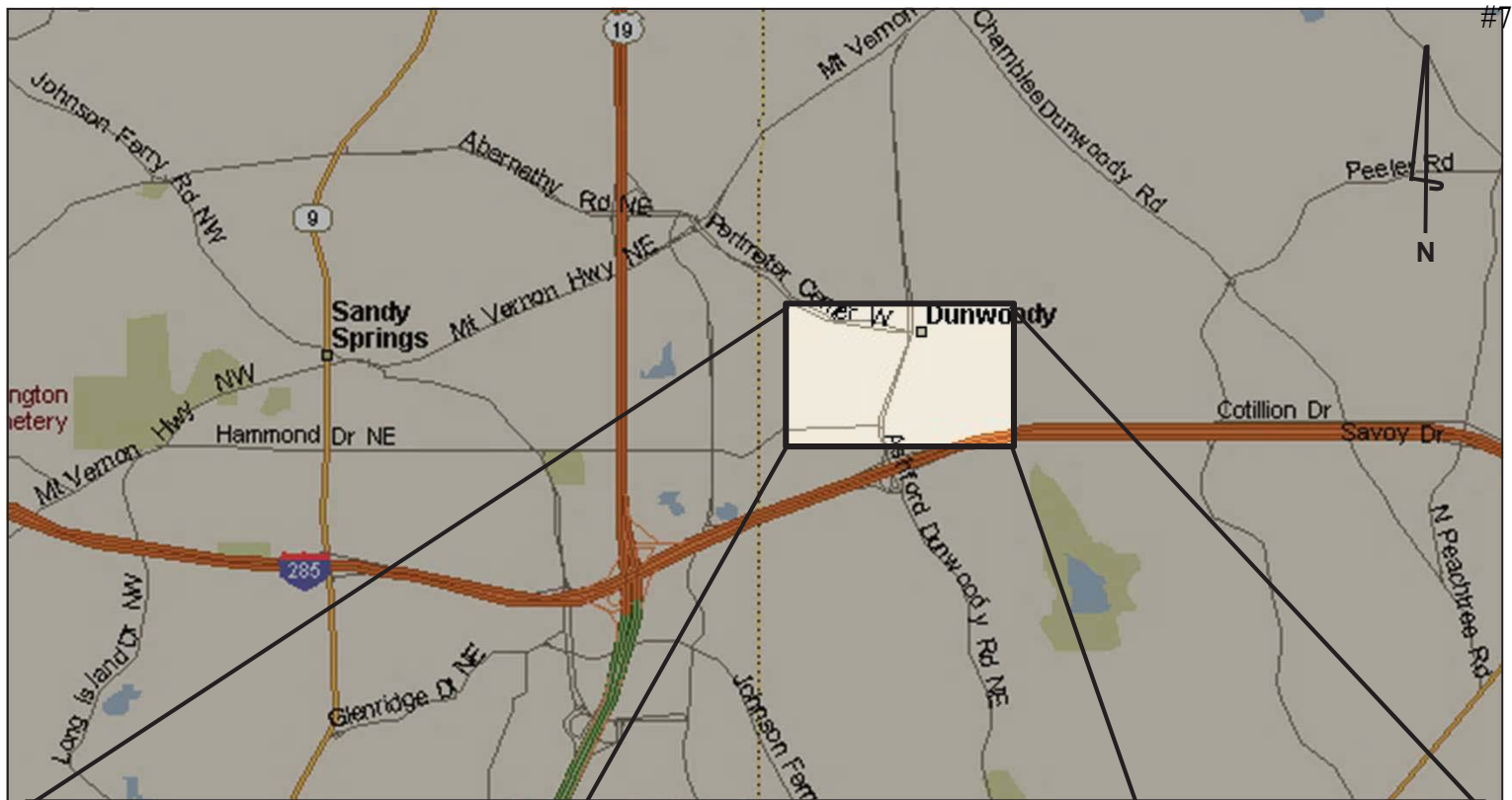
John D. Walker, P.E., PTOE
Senior Vice President



Danielle Kronowski, EIT
Project Analyst

Attachments:

- Figure 1: Site Location
- Figure 2: Site Aerial
- Trip Generation Comparison
- Site Plan





Trip Generation Analysis (10th Ed.) 84 Perimeter City of Dunwoody, GA								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed Site Traffic								
310 Hotel	160 rooms	1,380	75	44	31	94	48	46
Gross Trips		1,380	75	44	31	94	48	46

\\kimley-horn.com\se_alp1\alp_tpto\013482000_84_perimeter_traffic - dunwoody - september 2019\trip generation comparison-nov2020\analysis\16-11-2020_84_perimeter_analysis.xlsx\hotel_gross_trip generation

Trip Generation Analysis (10th Ed.) 84 Perimeter City of Dunwoody, GA								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
<u>Proposed Site Traffic</u>								
252 Senior Adult Housing - Attached	225 d.u.	878	45	16	29	56	31	25
Gross Trips		878	45	16	29	56	31	25

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Trip Generation Analysis (10th Ed.) 84 Perimeter City of Dunwoody, GA								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
<u>Proposed Site Traffic</u>								
221 Multifamily Housing (Mid Rise)	225 occ. d.u.	1,224	76	20	56	96	59	37
Gross Trips		1,224	76	20	56	96	59	37

\\kimley-horn.com\se_alp\alp_tpto\013482000_84_perimeter_traffic - dunwoody - september 2019\trip generation comparison-nov2020\analysis\16-11-2020_84_perimeter_analysis.xlsx\221-mf_housing(mid)_tripgen



84
PERIMETER

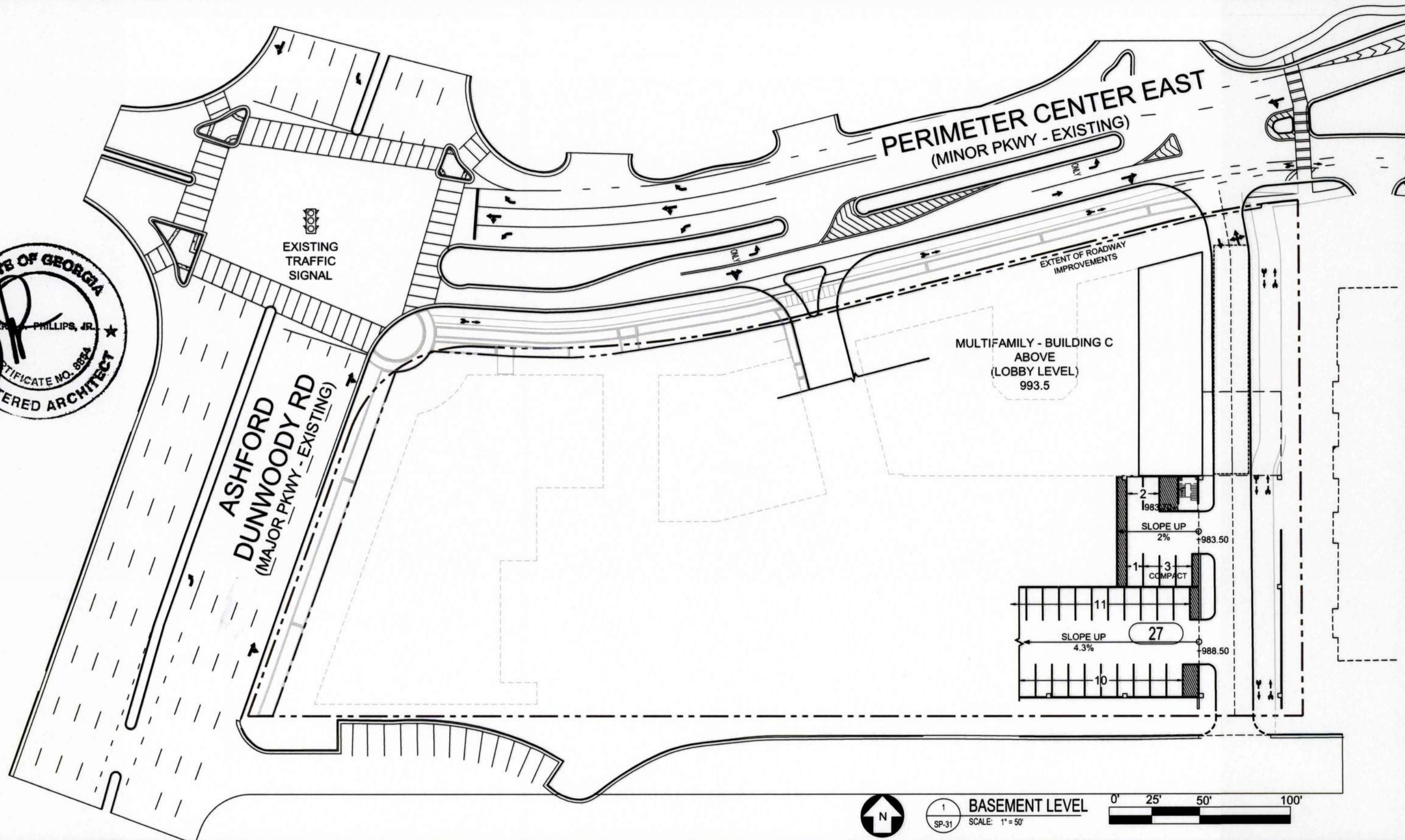
84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF
DRAWING: LEVEL 1
SITE PLAN RENDERING
(SP-31)



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



84
PERIMETER

84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
DRAWING: LEVEL 0 AT GRADE W/ PERIMETER CENTER EAST
MULTIFAMILY CONCEPT SKETCH
(SP-31)

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BUILDING SUMMARY (GROSS)		GROSS AREA
BLDG B - LEVEL 1		16,900 SF
BLDG B - LEVEL 2		13,210 SF
BLDG B - LEVEL 3		10,348 SF
TOTAL BUILDING AREA		40,458 SF

BUILDING SUMMARY	
COMMERCIAL (GROSS AREA)	40,458 SF
MULTIFAMILY (NOT TO EXCEED)	225 UNITS
PARKING SUMMARY	
TOTAL PARKING PROVIDED	504 SPACES



EXISTING
TRAFFIC
SIGNAL

ASHFORD
DUNWOODY RD
(MAJOR PKWY - EXISTING)

BLDG B
COMMERCIAL
LEVEL 1A
16,900 SF (GROSS)

MULTIFAMILY -
BUILDING C
(LOBBY LEVEL)
996.0

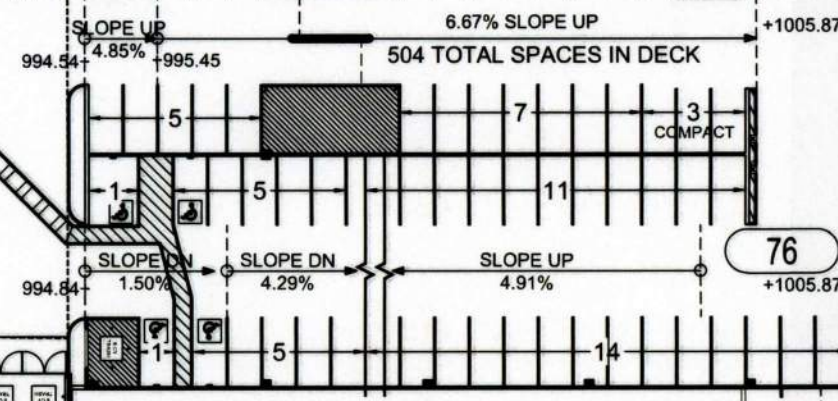
MULTIFAMILY - BUILDING C
NOT TO EXCEED 14 STORIES
(LOBBY LEVEL)
993.5

COURTYARD

UNDERGROUND
DETENTION

VALET

13



1
SP-31

LEVEL ONE
SCALE: 1" = 50'

0' 25' 50' 100'

84
PERIMETER

84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF

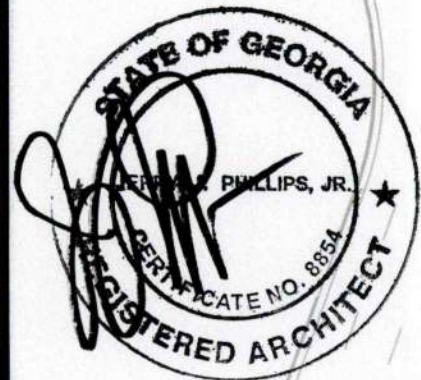
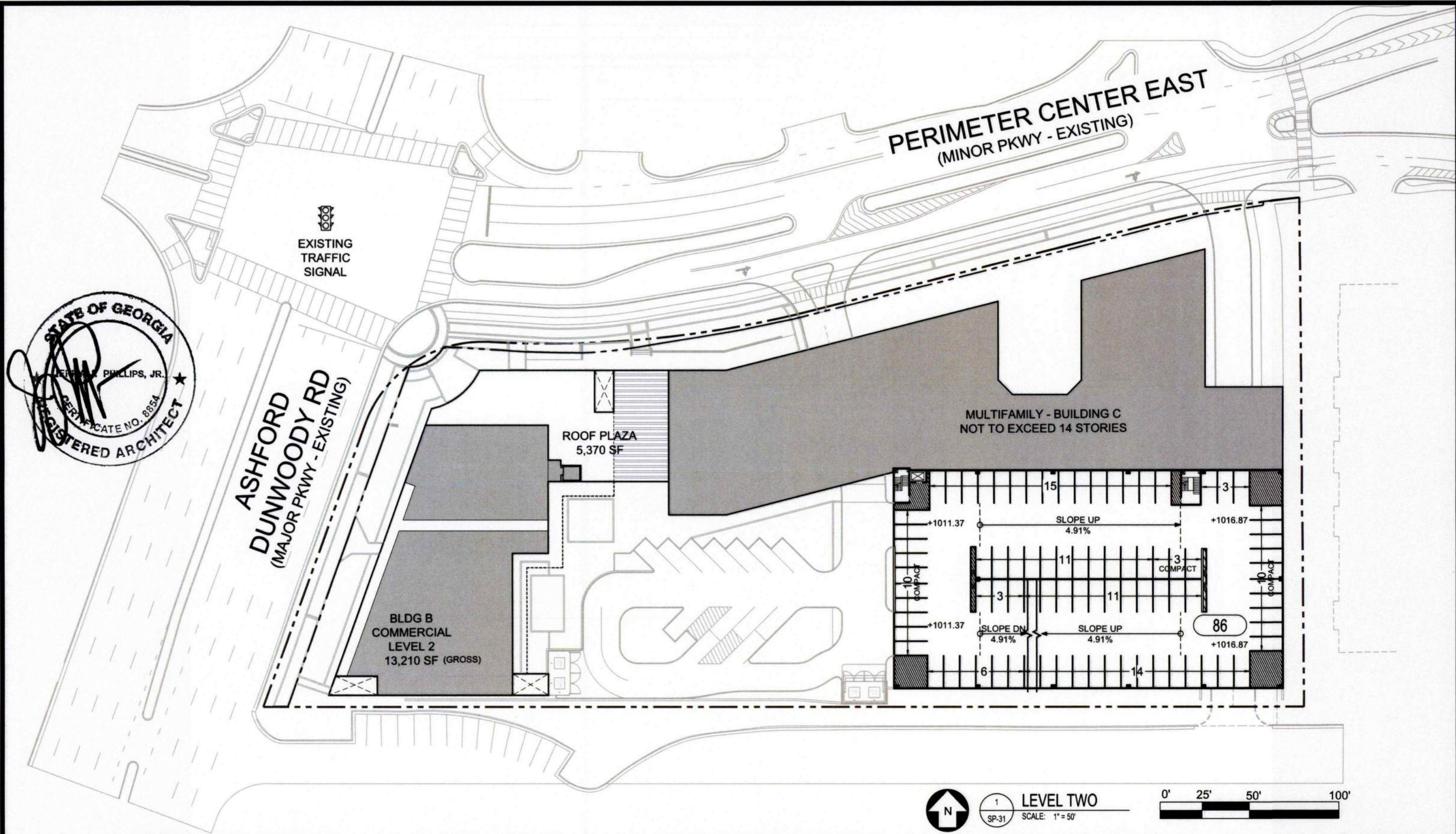
DRAWING: LEVEL 1
MULTIFAMILY CONCEPT SKETCH
(SP-31)



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Packet page....

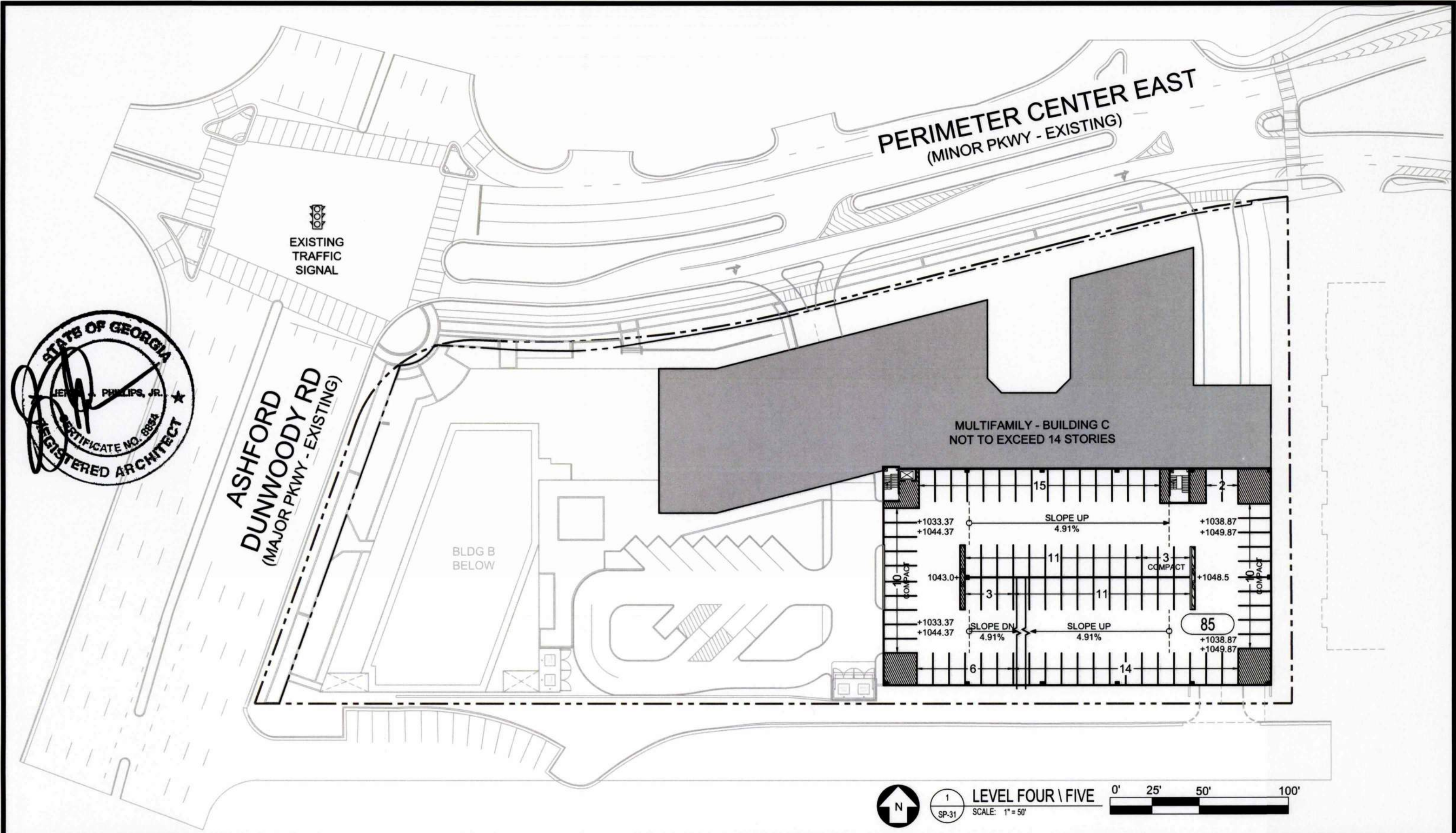


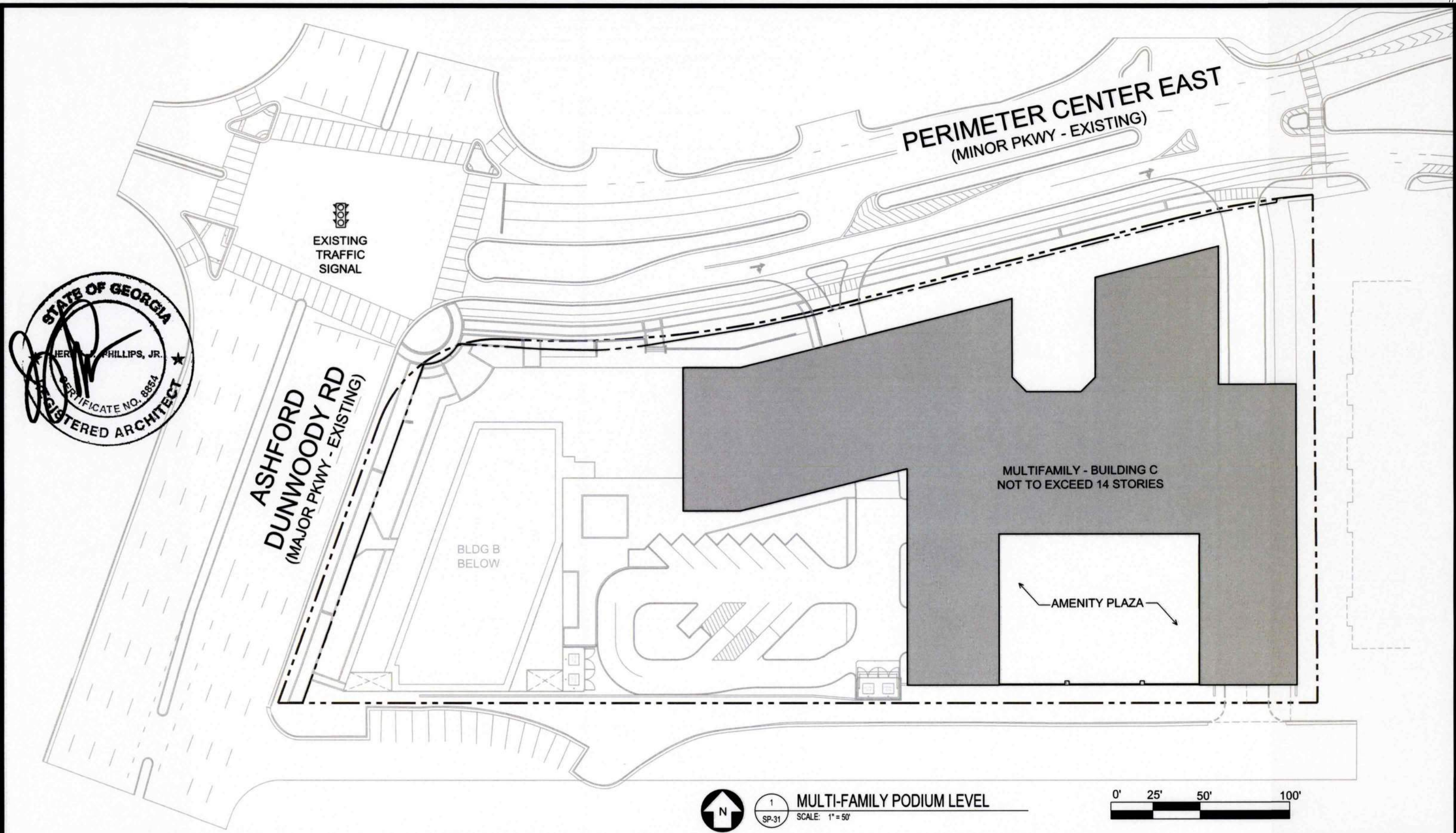
84
PERIMETER

84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF
DRAWING: LEVEL 2
MULTIFAMILY CONCEPT SKETCH
(SP-31)

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84
PERIMETER

84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF
DRAWING: MULTIFAMILY PODIUM LEVEL
(SP-31)



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Packet page....

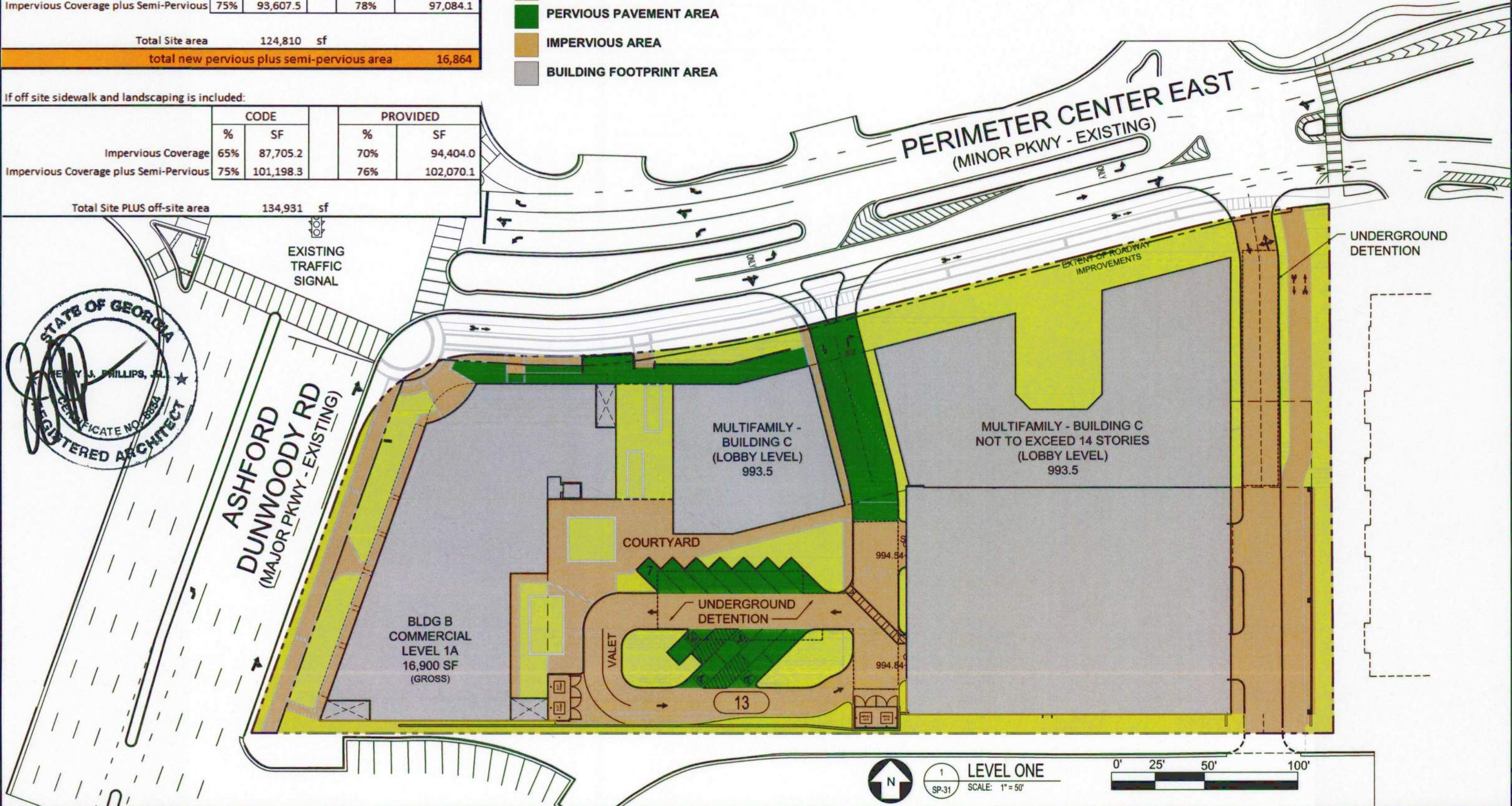
	CODE		PROVIDED	
	%	SF	%	SF
Impervious Coverage	65%	81,126.5	72%	89,269.0
Impervious Coverage plus Semi-Pervious	75%	93,607.5	78%	97,084.1
Total Site area 124,810 sf				
total new pervious plus semi-pervious area 16,864				

If off site sidewalk and landscaping is included:

	CODE		PROVIDED	
	%	SF	%	SF
Impervious Coverage	65%	87,705.2	70%	94,404.0
Impervious Coverage plus Semi-Pervious	75%	101,198.3	76%	102,070.1
Total Site PLUS off-site area 134,931 sf				

LEGEND:

- NATURAL PERVIOUS AREA
- PERVIOUS PAVEMENT AREA
- IMPERVIOUS AREA
- BUILDING FOOTPRINT AREA

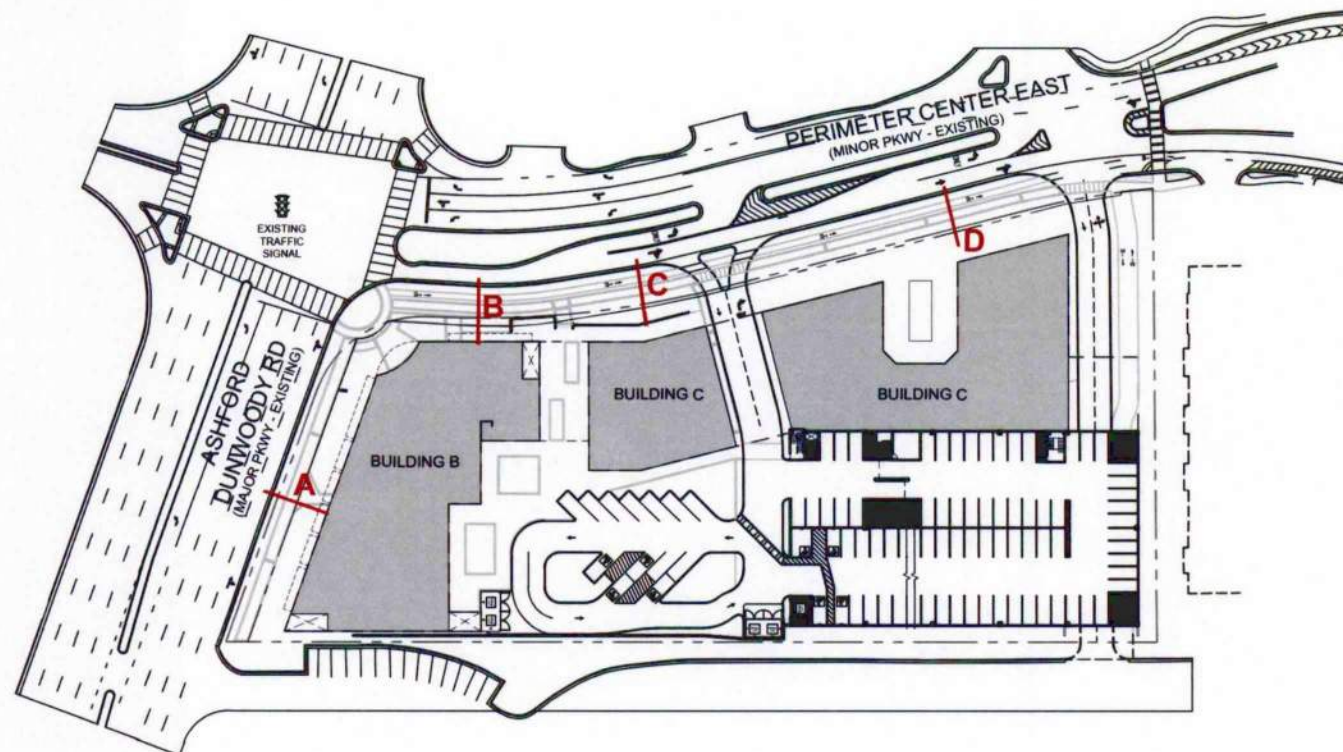


84
PERIMETER

84 PERIMETER
DUNWOODY, GA

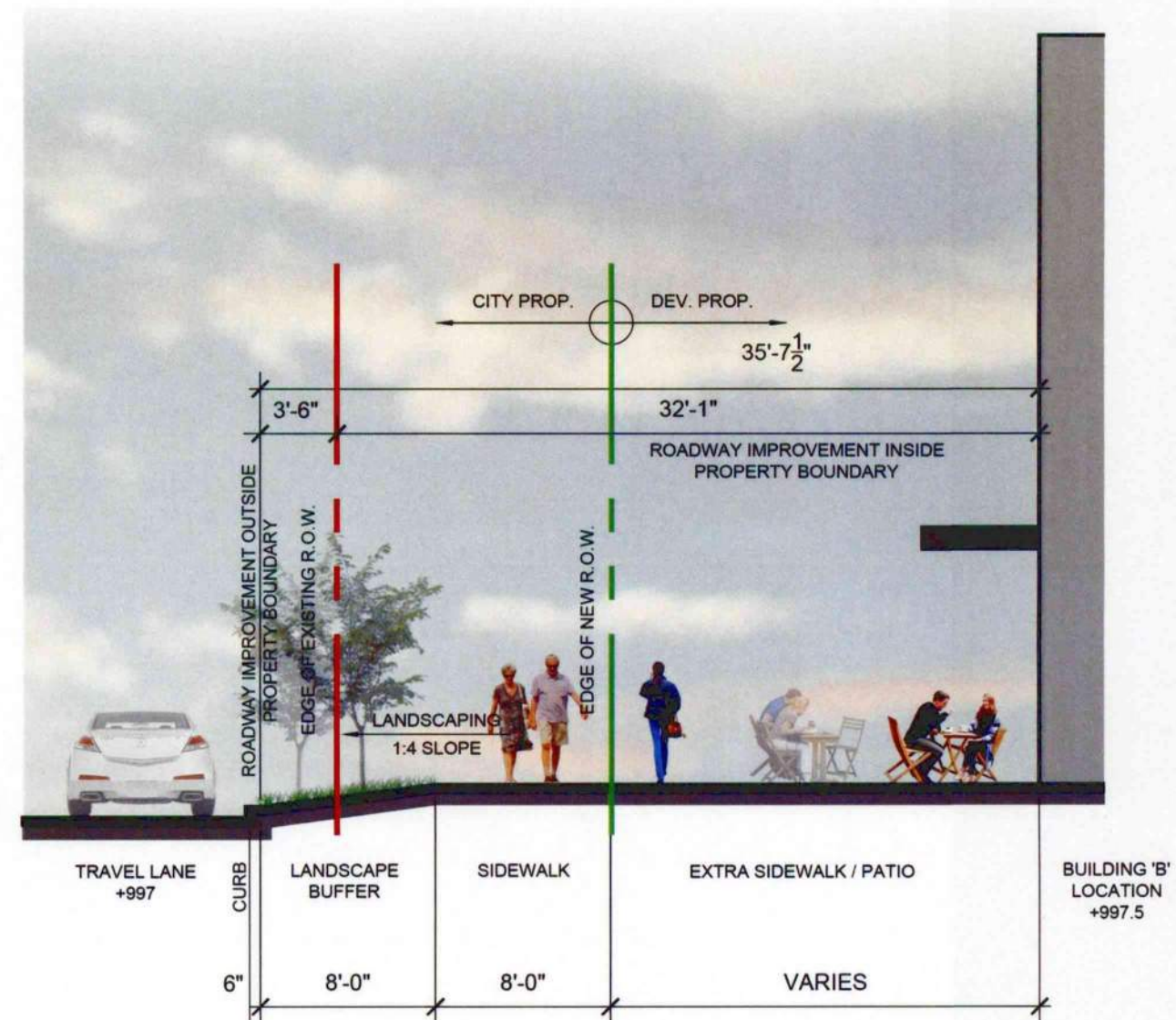
JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF
DRAWING: PERVIOUS STUDY (SP-31)

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KEY SITE PLAN

SCALE: N.T.S.



STREETSCAPE SECTION 'A'

SCALE: 1/8" = 1'-0"

84
PERIMETER

84 PERIMETER
DUNWOODY, GA

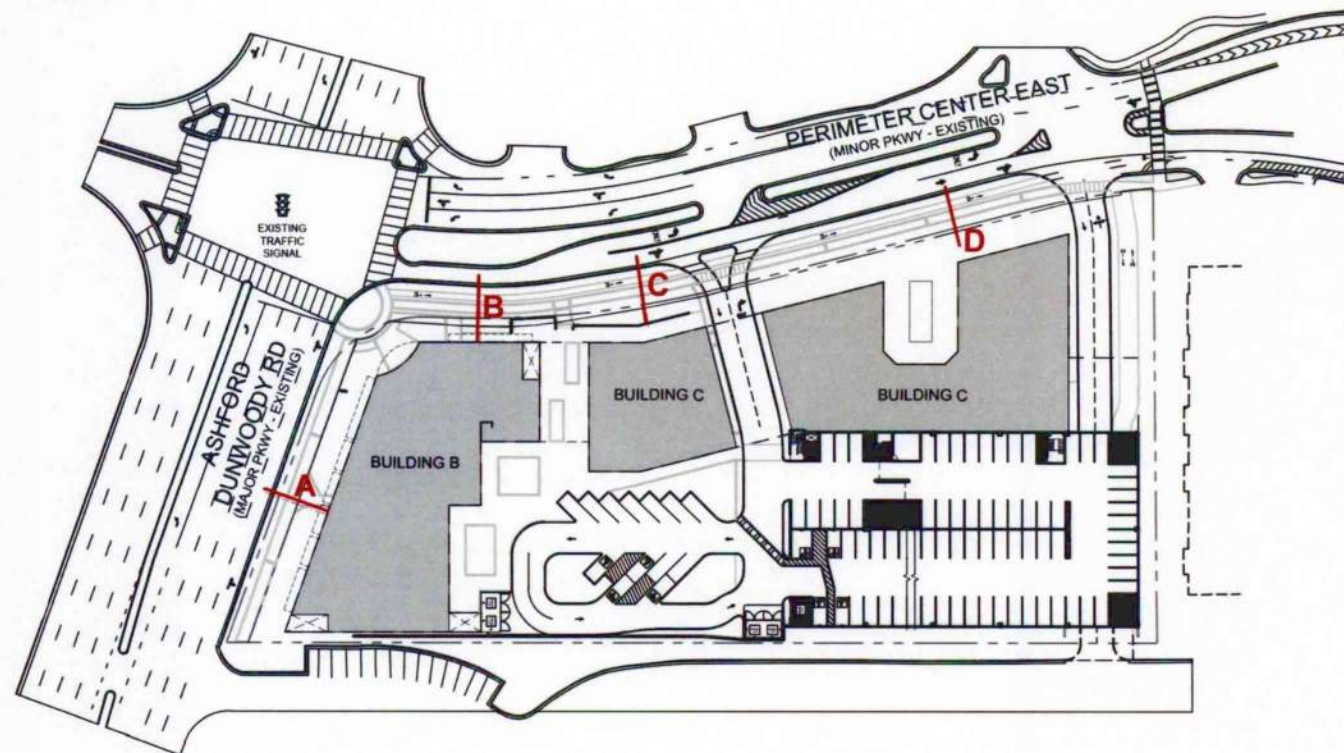
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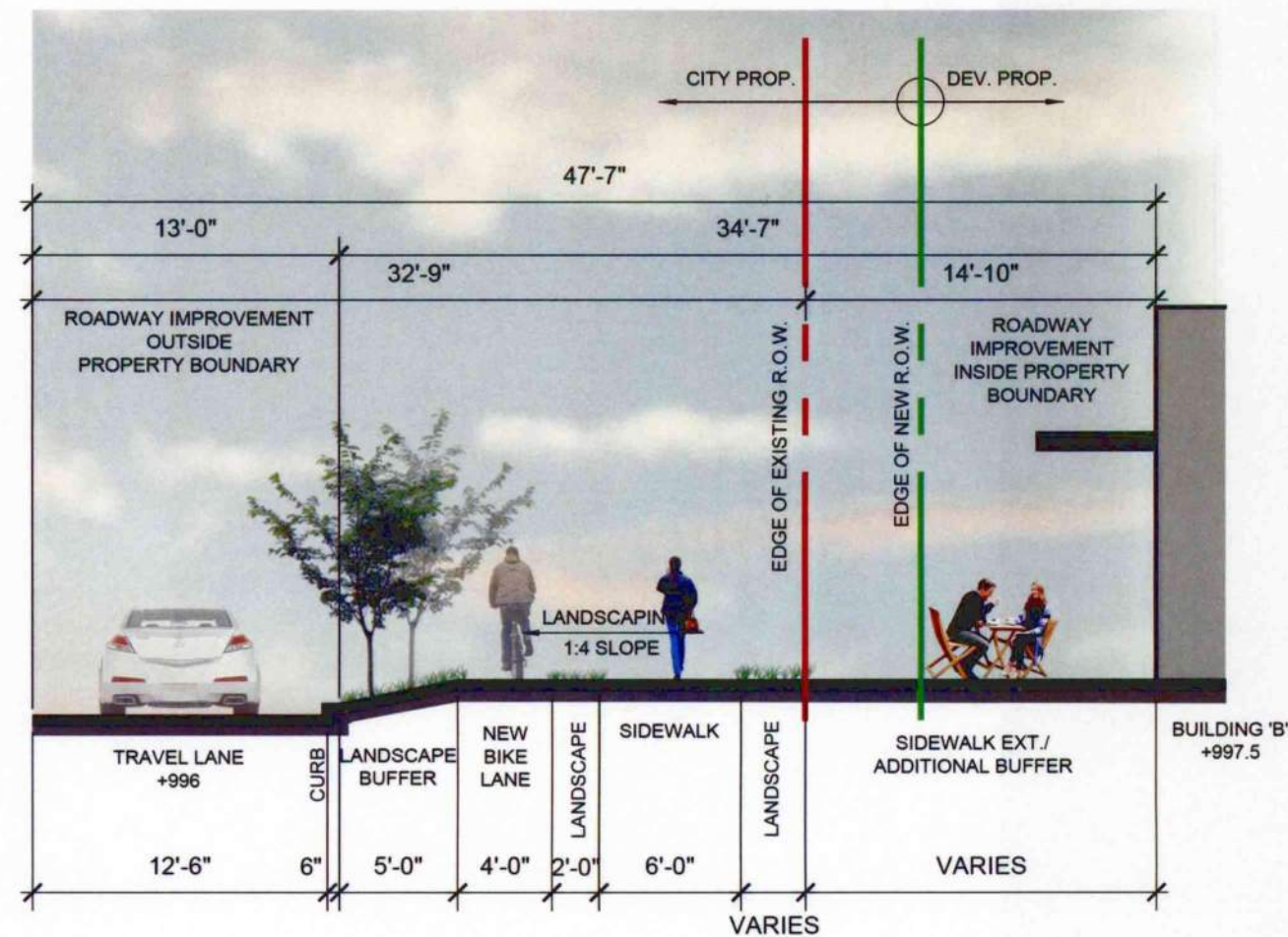
PHILLIPS
ARCHITECTURE • CONSULTANTS

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Packet page....



1 KEY SITE PLAN
SP-31 SCALE: N.T.S.



2 STREETSCAPE SECTION 'B'
SP-31 SCALE: 1/8" = 1'-0"

84
PERIMETER

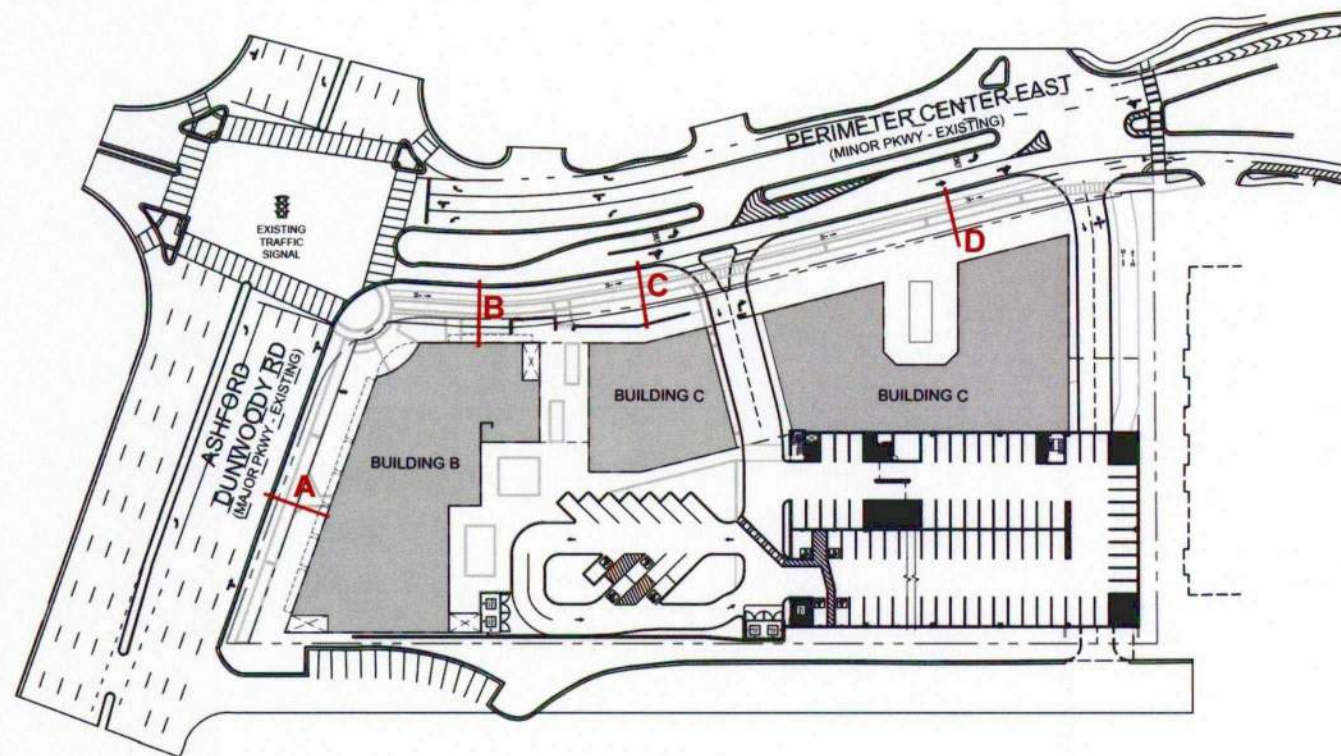
84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
DRAWING: STREETSCAPE SECTION 'B'

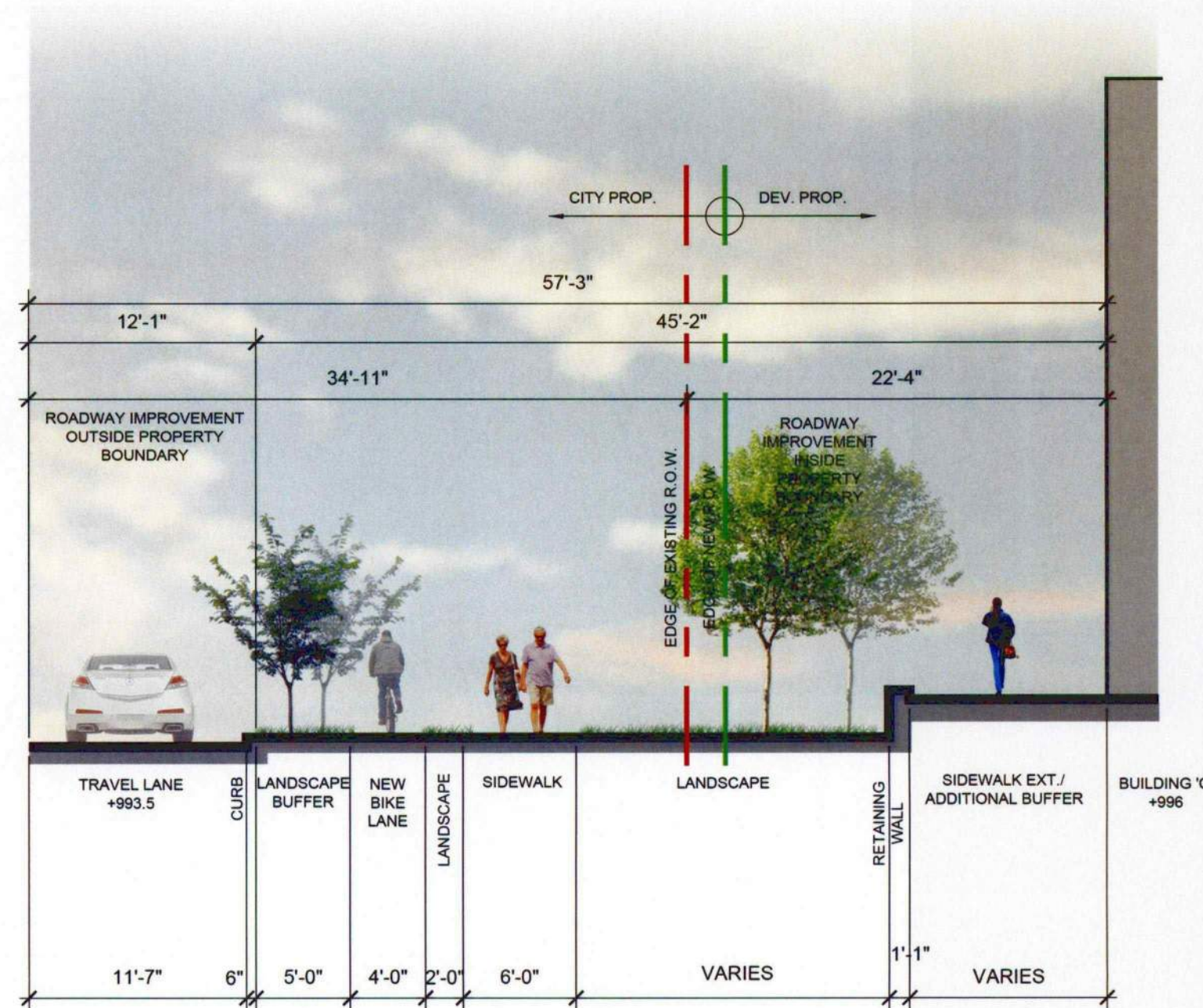


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1 KEY SITE PLAN
SP-31 SCALE: N.T.S.



2 STREETSCAPE SECTION 'C'
SP-31 SCALE: 1/8" = 1'-0"

84
PERIMETER

84 PERIMETER
DUNWOODY, GA

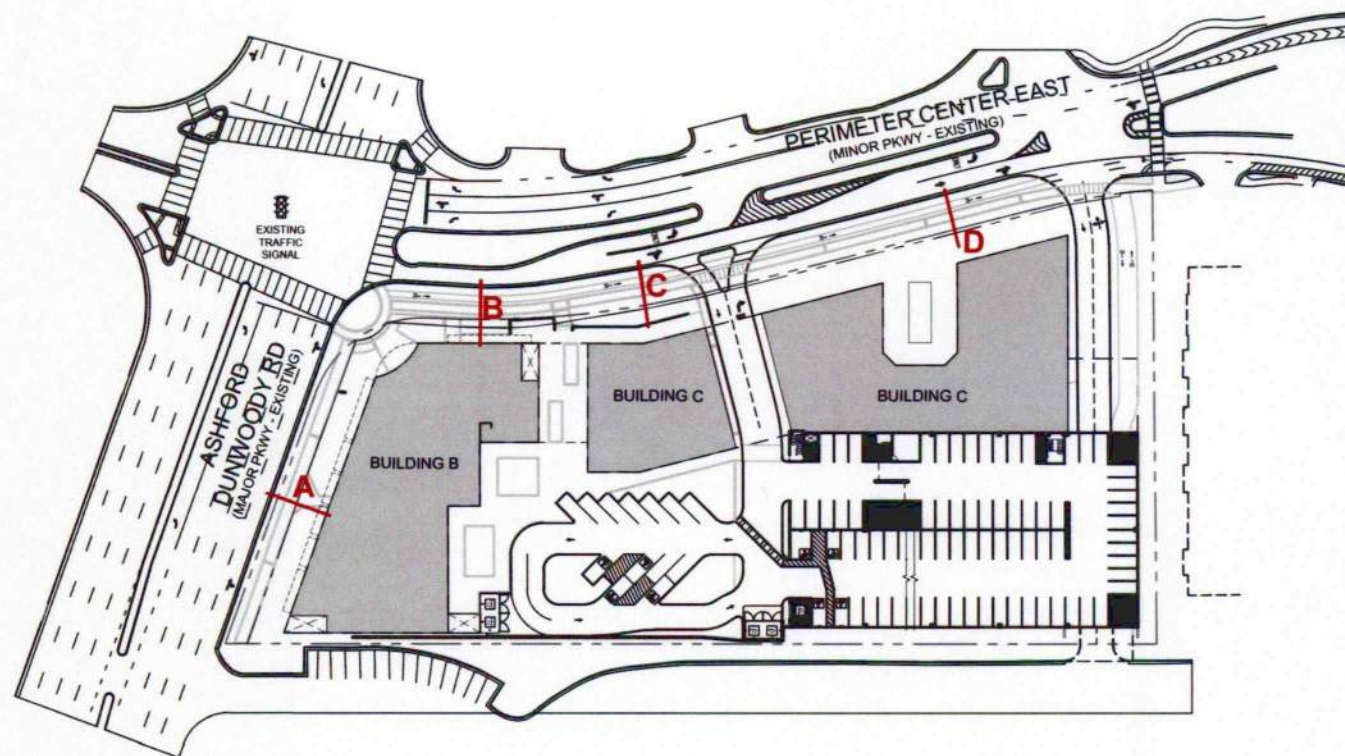
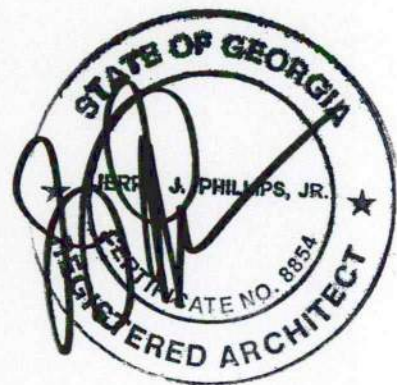
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DRAWING: STREETSCAPE SECTION 'C'



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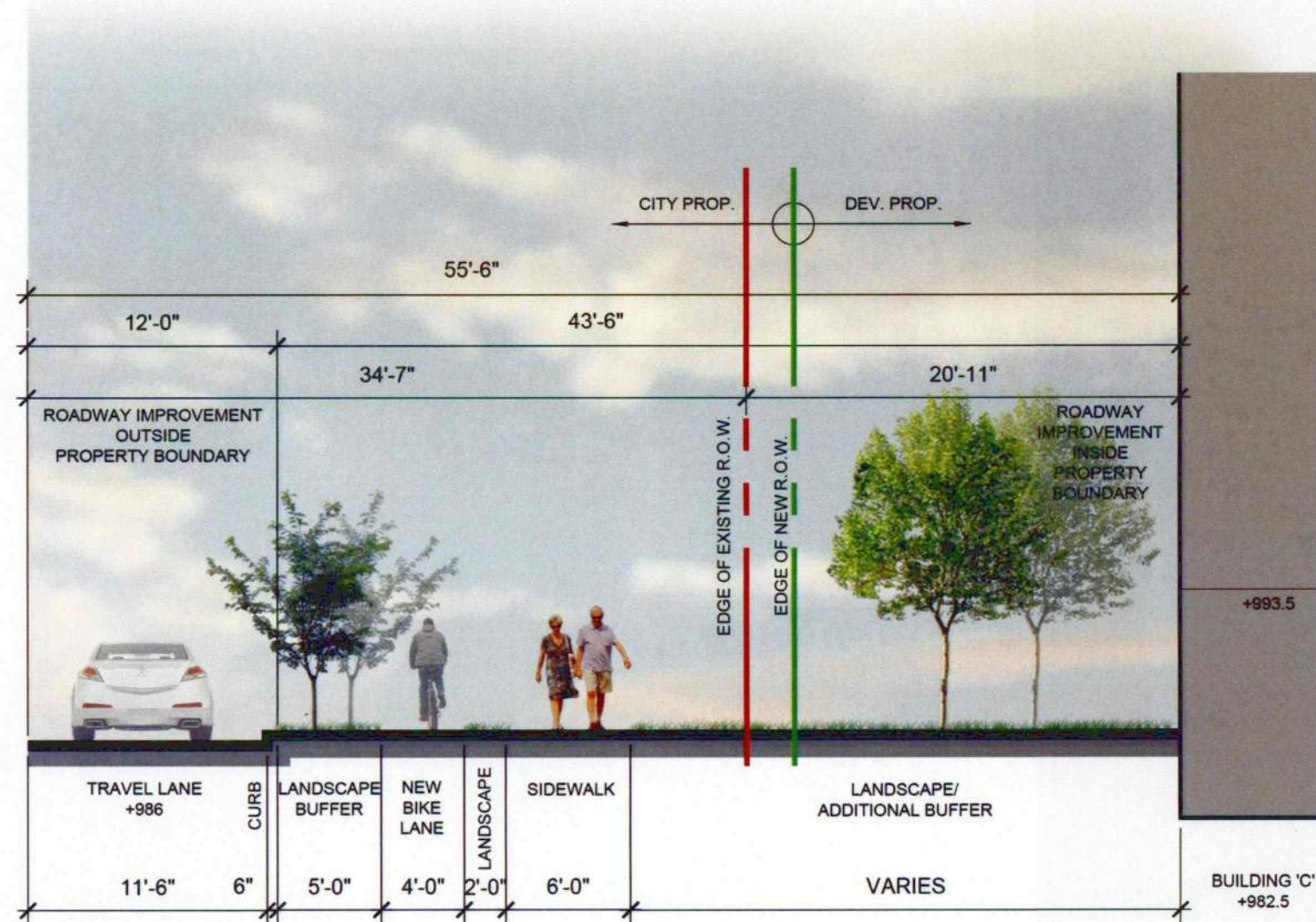
Packet page:...



KEY SITE PLAN

SP-31

SCALE: N.T.S. [UPDATED 10/05/20]



STREETSCAPE SECTION 'D'

SP-31

SCALE: 1/8" = 1'-0"

84
PERIMETER

84 PERIMETER
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/RWF
DRAWING: STREETSCAPE SECTION 'D'



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5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



PHILLIPS
CONSULTANT

SEAL _____

ISSUE & REVISION RECORD

#	DATE	DESCRIPTION

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PROJECT _____

84
PERIMETER
DUNWOODY, GA

CLIENT _____

84
PERIMETER

PHILLIPS JOB NUMBER _____

ISSUE DATE _____

DRAWN BY/CHECKED BY _____

DRAWING TITLE _____

BLDG. B ELEVATIONS

SHEET NUMBER _____

RA-4.1

5901 PEACHTREE DUNWOODY RD.
BUILDING A, SUITE 450
ATLANTA, GEORGIA 30328

PRELIMINARY (SUBJECT TO CHANGE)



FENESTRATION & STREETSIDE ENTRY PER PC-2 (TYP.)

1 WEST ELEVATION - ASHFORD DUNWOODY RD. FACADE
SCALE: 3/32" = 1'-0"



RESIDENTIAL BALCONY (TYP.)

PUBLIC ROOF PLAZA

COVERED COURTYARD

FENESTRATION & STREETSIDE ENTRY PER PC-2 (TYP.)

2 NORTH ELEVATION - PERIMETER CENTER EAST FACADE
SCALE: 3/64" = 1'-0"



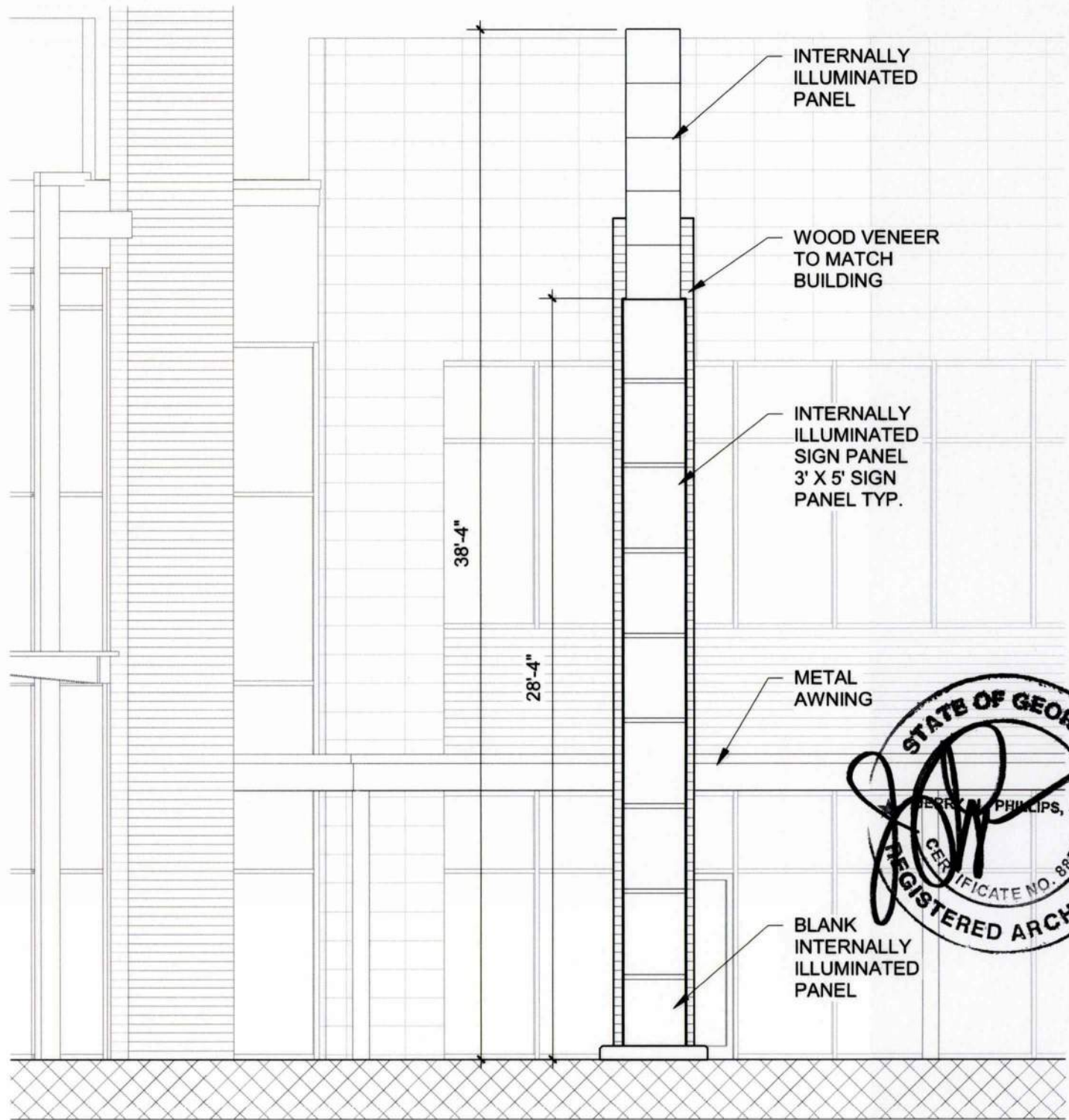
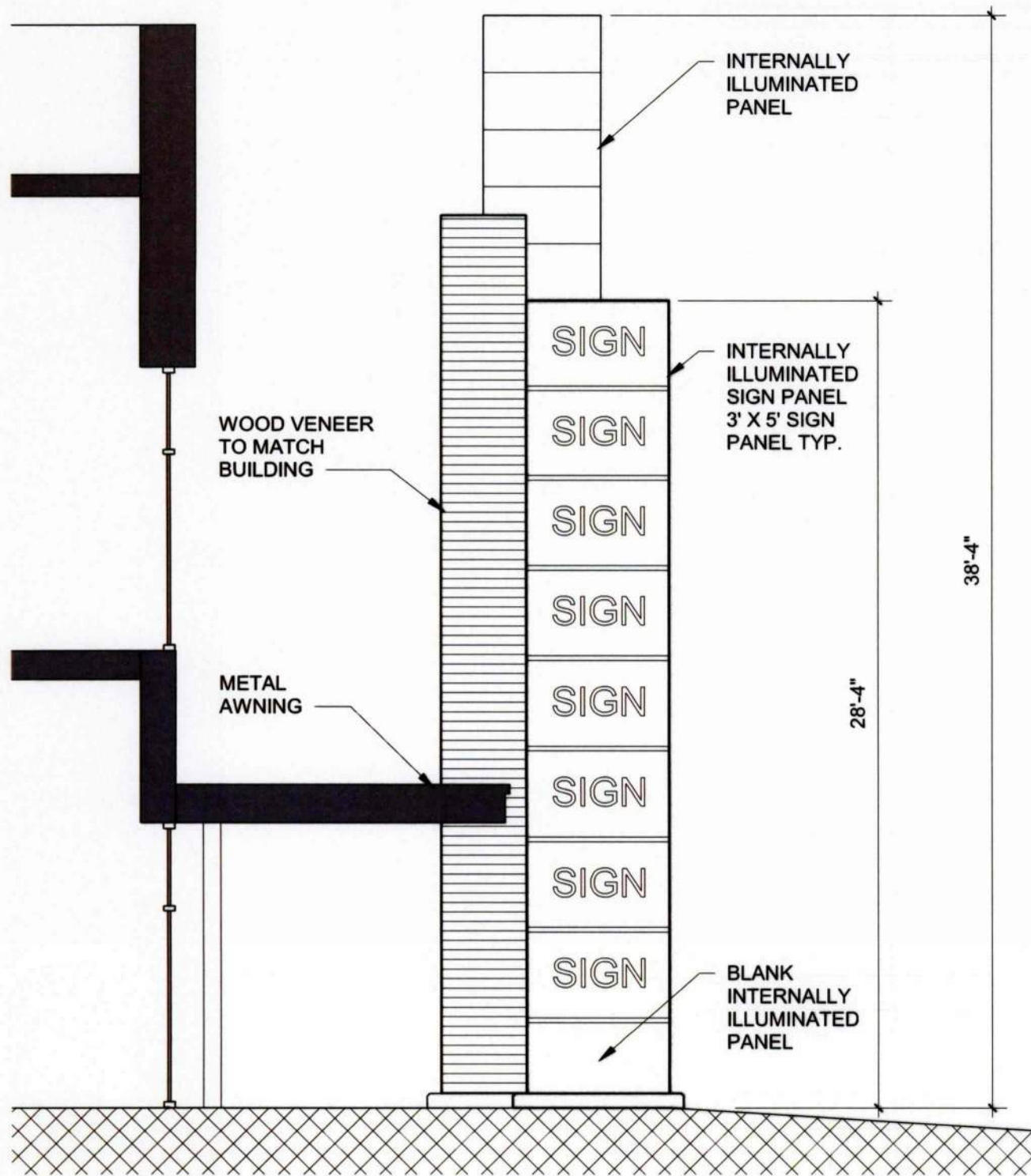
3 3D VIEW A - INTERSECTION VIEW
SCALE: _____



4 3D VIEW B - COURTYARD VIEW
SCALE: _____



5 3D VIEW C - ASHFORD DUNWOODY ROAD VIEW
SCALE: _____



1 NORTH ELEVATION BUILDING GRAPHICS
SCALE: 3/16" = 1'-0"

2 WEST ELEVATION BUILDING GRAPHICS
SCALE: 3/16" = 1'-0"

CLIENT

84
PERIMETER

PROJECT

84 PERIMETER
DUNWOODY, GA

JOB NUMBER

1869901

DATE

02/17/21

BY

WHH/ RF

DRAWING

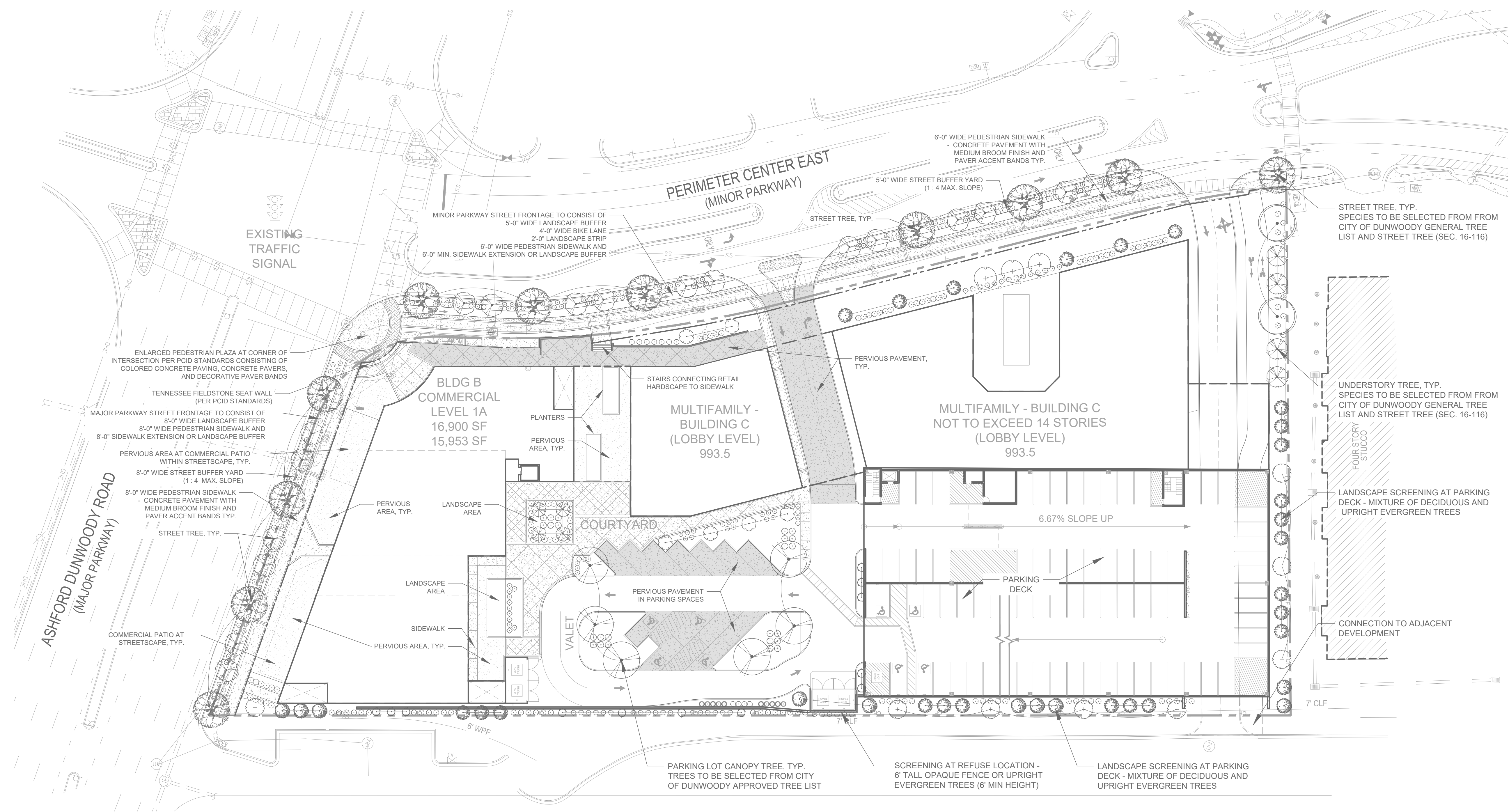
BUILDING GRAPHICS



PHILLIPS

5901 PEACHTREE DUNWOODY ROAD
BUILDING A, SUITE 450
ATLANTA, GA 30328

Phone 770.394.1616 Fax 770.394.1314




1 ZONING SITE PLAN
SCALE: 1" = 30'-0"




811
Know what's below.
Call before you dig.

THE UTILITIES SHOWN FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES DURING CONSTRUCTION LIES WITH THE CONTRACTOR.

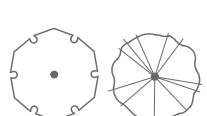
LANDSCAPE LEGEND



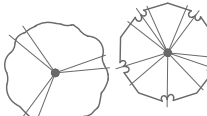
EXISTING TREE TO REMAIN




CANOPY TREES
PARKING LOT AND STREET TREES
EXAMPLE: OAK, MAPLE, ELM, BALD CYPRESS




UNDERSTORY CANOPY TREES
UNDERSTORY STREET TREES
EXAMPLE: FRINGE TREE, HORNBEAM, REDBUD, SERVICEBERRY, DOGWOOD



ORNAMENTAL TREES
UNDERSTORY / FLOWERING ORNAMENTAL TREES
EXAMPLE: CHERRY, CRAPE MYRTLE, CRAB APPLE, JAPANESE MAGNOLIA, KOUSA DOGWOOD



EVERGREEN TREES
EVERGREEN / SCREENING TREES
EXAMPLE: AMERICAN HOLLY, MAGNOLIA, RED CEDAR, PINE, CYPRESS



SHRUBS / GROUNDCOVER

LANDSCAPE PLANS ARE PRELIMINARY AND SUBJECT TO CHANGE AS THE PROJECT PROGRESSES. PLANT MATERIALS SHOWN FOR CONCEPT AND GENERAL COMPLIANCE WITH ZONING. TREE SPECIES AND LOCATIONS ARE SUBJECT TO SUBSTITUTION WITH SIMILAR MATERIALS FROM THE CITY OF DUNWOODY GENERAL TREE LIST (SEC. 16-116) EX. CANOPY TREES FOR CANOPY TREE.

LANDSCAPE NOTES

PARKING LOT LANDSCAPING

- ALL PARKING LOT LANDSCAPE ISLANDS TO HAVE A MINIMUM PERVIOUS AREA OF 400 SQUARE FEET (SF) WITH THE EXCEPTION OF A SINGLE ROW OF PARKING SPACES WHICH SHALL PROVIDE A MINIMUM OF 200 SF.
- LANDSCAPE ISLANDS ABUTTING A SINGLE ROW OF PARKING MUST INCLUDE AT LEAST ONE CANOPY TREE. LANDSCAPE ISLANDS ABUTTING A DOUBLE ROW OF PARKING MUST INCLUDE AT LEAST TWO CANOPY TREES.
- SHRUBS SHALL BE PROVIDED IN LANDSCAPE ISLANDS AND DIVIDER MEDIANS AT A RATE OF FOUR SHRUBS PER REQUIRED TREE. PARKING LOT SHRUBS MAY NOT EXCEED THREE FEET IN HEIGHT.
- GROUND COVER MUST BE USED IN AREAS NOT COVERED BY TREES AND SHRUBS. TURF GRASS MAY NOT BE USED IN ISLANDS AND DIVIDER MEDIANS.
- PARKING LOT PERIMETER SHALL BE SCREENED FROM THE ADJACENT RIGHTS OF WAY WITH LANDSCAPING, WALL, OR COMBINATION THEREOF THAT RESULTS IN A CONTINUOUS VISUAL SCREEN AT LEAST THREE FEET ABOVE GRADE ALONG THE LENGTH OF THE FRONTAGE. SHRUBS USED TO SATISFY THIS REQUIREMENT SHALL BE PROVIDED AT A RATE OF 30 SHRUBS PER 100 LINEAR FEET (LF).

LANDSCAPING SCREENING

- GROUND MOUNTED MECHANICAL EQUIPMENT OVER 30" IN HEIGHT SHALL BE SCREENED FROM VIEW WITH A FENCE OR HEDGE TALL ENOUGH TO CONCEAL THE EQUIPMENT.
- REUSE / RECYCLING CONTAINERS MUST BE SCREENED FROM VIEW OF STREETS AND ABUTTING LOTS WITH A SOLID OR OPAQUE FENCE AT LEAST SIX FEET IN HEIGHT.

LANDSCAPING PLANTING

- DECIDUOUS TREES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF THREE INCHES CALIPER AND A MINIMUM OF TEN FEET TALL.
- EVERGREEN TREES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF SIX FEET TALL AT TIME OF PLANTING.
- SHRUBS AND ORNAMENTAL GRASSES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF ONE-GALLON SIZE AT TIME OF INSTALLATION.
- ALL REQUIRED LANDSCAPED AREAS SHALL BE COVERED WITH A BIODEGRADABLE MULCH OR GROUNDCOVER PLANTS. ALL REQUIRED TREES AND SHRUBS TO BE LOCATED IN MULCHED PLANTING BEDS.
- LANDSCAPE AREAS IN OR ABUTTING PARKING LOTS MUST BE PROTECTED BY CONCRETE CURBING, ANCHORED WHEEL STOPS OR DURABLE BARRIERS APPROVED BY THE CITY ARBORIST.

LANDSCAPE NOTE

LANDSCAPE PLAN PREPARED TO DENOTE PRELIMINARY DESIGN INTENT. PLANT SELECTION, MATERIALS, QUANTITY AND LAYOUT SUBJECT TO REVISIONS. ALL SUBSTITUTIONS MUST BE APPROVED BY OWNER AND LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.



AJC
DESIGN
GROUP



STAMP

JSJ PERIMETER, LLC

2221 PEACHTREE ROAD
SUITE D-338
ATLANTA, GA 30309

84 PERIMETER

84 PERIMETER CENTER EAST
DUNWOODY, GEORGIA 30338

ISSUE SCHEDULE	ISSUE DESCRIPTION
NO. DATE:	

SHEET NAME:
ZONING LANDSCAPE
SITE PLAN

PROJECT NUMBER:
1901201

DATE:
02/17/2021

SHEET NO.:
LS1.1

City Council Presentation, 2.22.21

Presentation



84
PERIMETER

84

PERIMETER

City Council Presentation, 2.22.21

- ▶ The subject property consists of 2.86 acres. It is located at the intersection of Ashford Dunwoody Road and Perimeter Center East. The site is strategically positioned across from the main entrance to Perimeter Center Mall.
- ▶ The developer (JSJ Perimeter LLC) intends to develop the site to include up to 225 “class A” age restricted residences and up to 43,000sf of retail / commercial space. The development will also include a parking structure(s).





City Council Presentation, 2.22.21

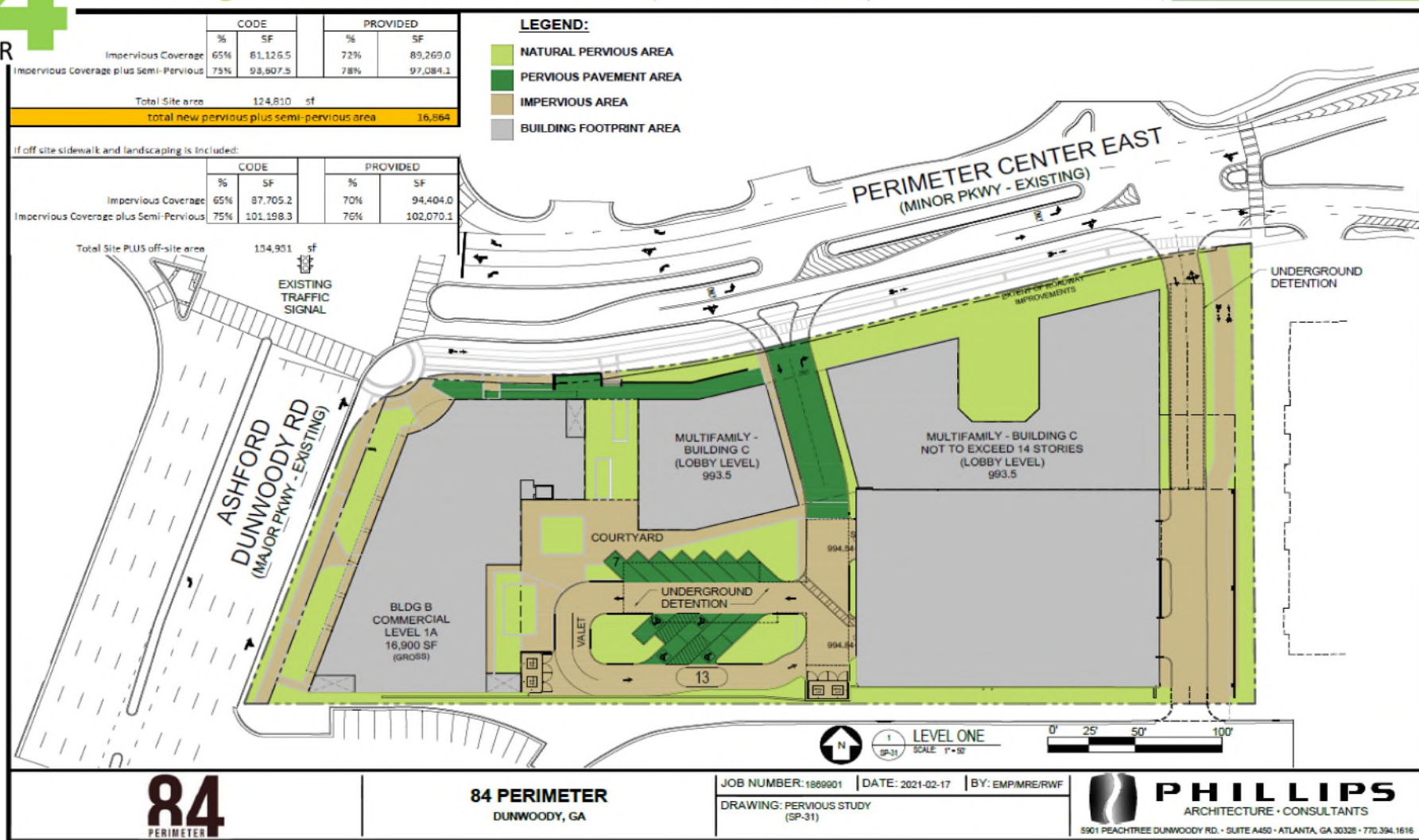
Pervious / Impervious

84

PERIMETER

Re-imagined Pervious Surface (Rob French)

City Council Presentation, 2.22.21



84

PERIMETER

City Council Presentation, 2.22.21

► Site improvements

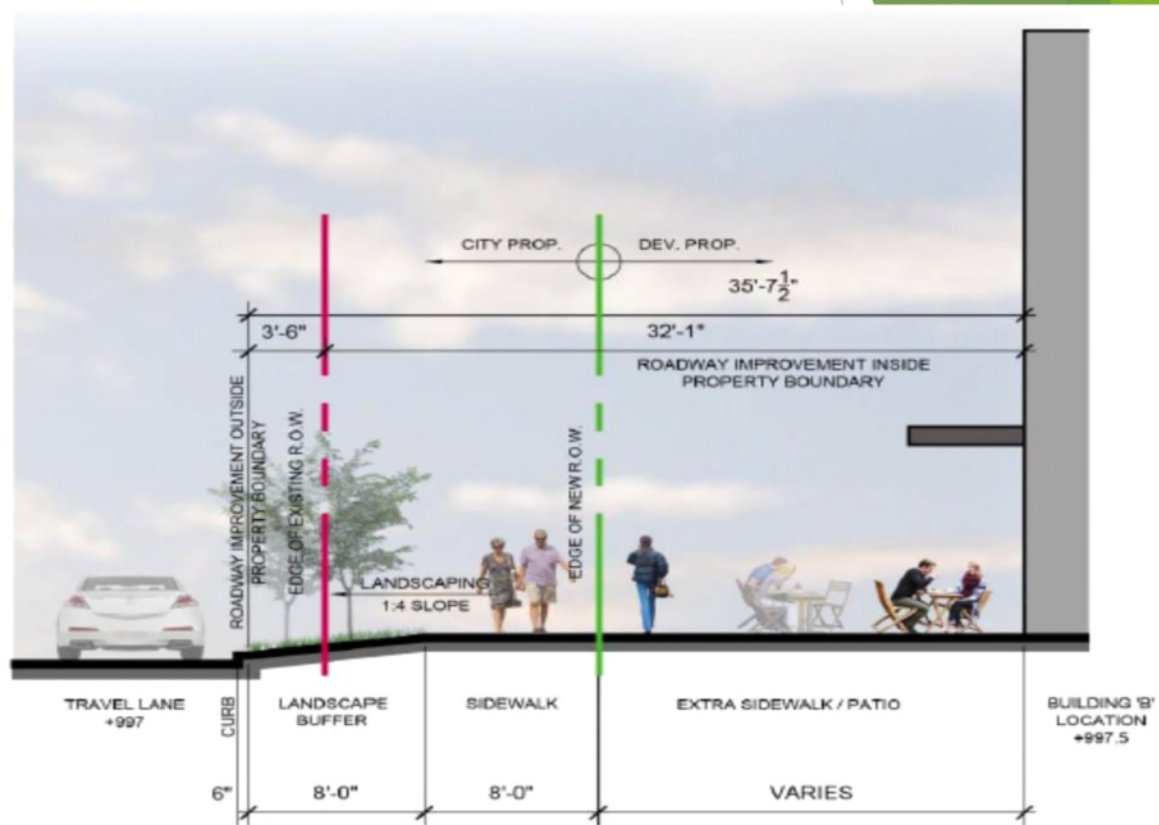
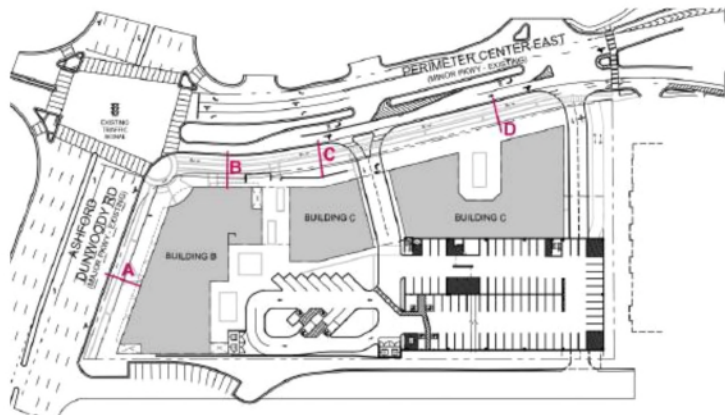
- ❑ Contribution to left turn lane improvement
- ❑ Improved crosswalk
- ❑ Improve Perimeter Center East
- ❑ Relocate and improve bike lane on PCE
- ❑ Provide new pedestrian and bike path
- ❑ Provide for future connection to Ravinia
- ❑ Dedicating additional ROW to the City

NOTE: The agreement by developer to provide on site pedestrian and bike lane and to dedicate additional ROW to the city have negatively impacted pervious surface calculations.



84 City Council Presentation, 2.22.21 Streetscape Sections (Rob French / Laurel David)

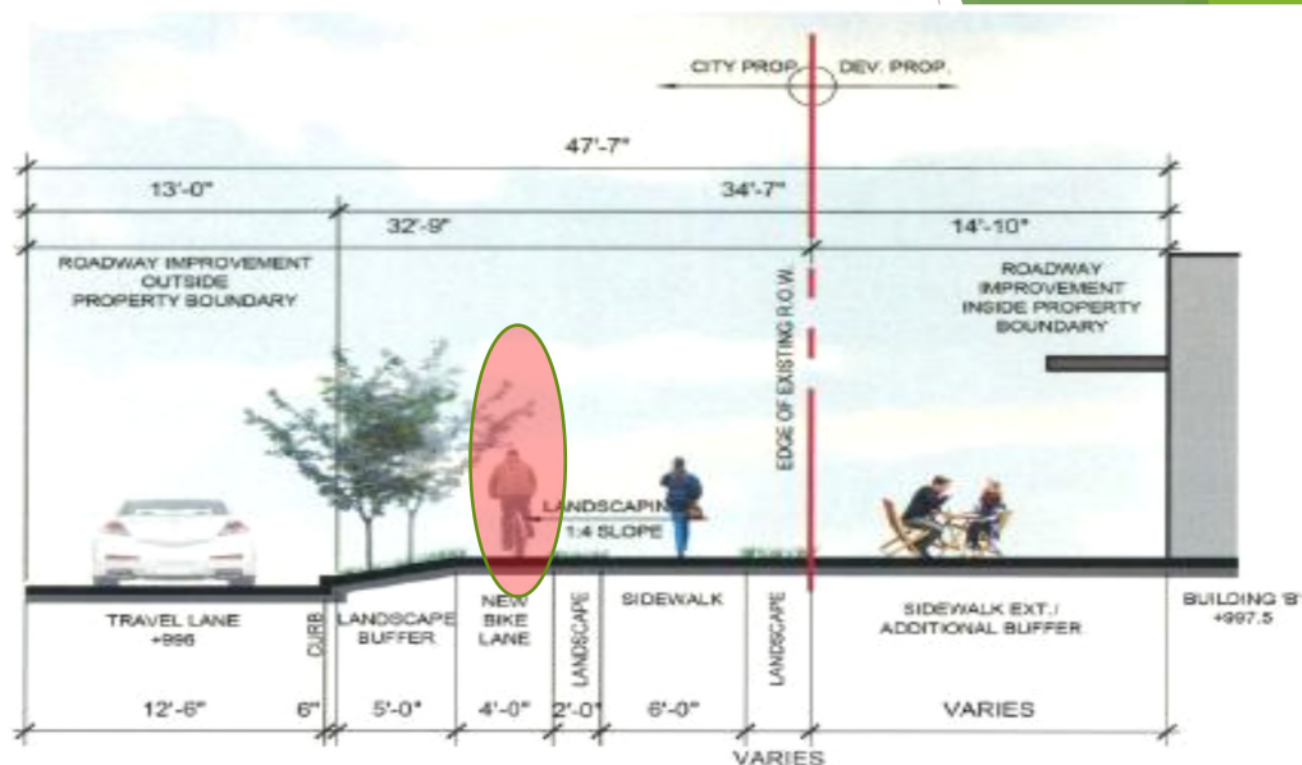
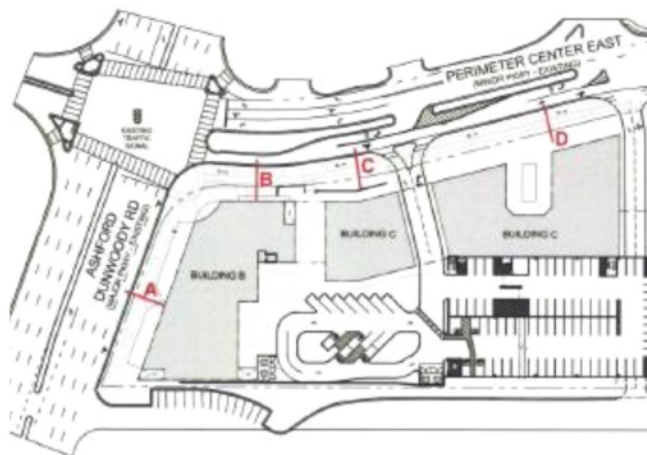
PERIMETER



2
SP-31
STREETSCAPE SECTION 'A'
SCALE: 1/8" = 1'-0"

84 City Council Presentation, 2.22.21 Streetscape Sections (Rob French / Laurel David)

PERIMETER

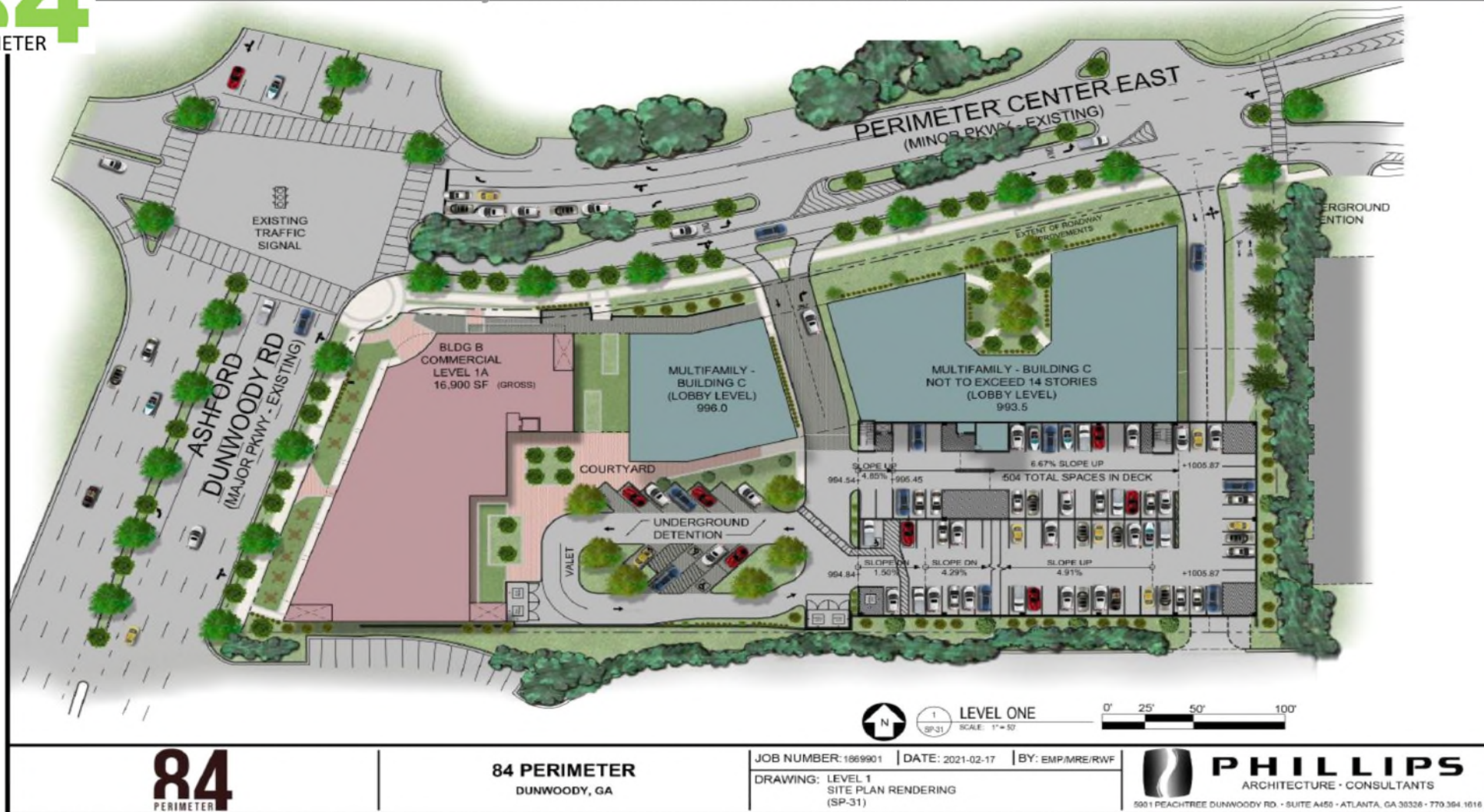


2
SP.31
STREETScape SECTION 'B'
SCALE: 1/8" = 1'-0"

84

PERIMETER

City Council Presentation, 2.22.21



For illustration purposes only

Conceptual plan - subject to change

84

PERIMETER

City Council Presentation, 2.22.21



For Illustration purposes only

Conceptual plan - subject to change



To meet PC2 design requirements

Conceptual rendering - subject to change

Design Direction



Conceptual rendering - subject to change

84

PERIMETER

City Council Presentation, 2.22.21

► Considered Amenities:

- ❖ Club Room (multiple)
- ❖ Storage Areas
- ❖ Bike Room
- ❖ Media Room
- ❖ Pet Spa
- ❖ Dog Walk
- ❖ Demonstration Kitchen
- ❖ Game Room (virtual golf)
- ❖ Bocce Court
- ❖ Outdoor Amenities (Various)
- ❖ Summer Kitchen / Bar (Common)
- ❖ Outdoor Dining
- ❖ Gathering Spaces (indoor & outdoor)
- ❖ Amazon / Luxor lockers
- ❖ Tide Dry Cleaning Lockers
- ❖ Advanced Technologies
- ❖ Office Share (Onsite)
- ❖ Peloton Gym

City Council Presentation, 2.22.21

► *Development of the site will:*

- ❖ Bring new economic activity to the city.
- ❖ Enhance the corner of Ashford Dunwoody Road and Perimeter Center east.
- ❖ Provide both temporary construction jobs and permanent jobs for the city and community.
- ❖ Provide another quality community amenity for the city of Dunwoody.

City Council Presentation, 2.22.21

***Presentation
Concluded***

84
PERIMETER

From: [Laurel David](#)
To: [Richard McLeod](#); [Paul Leonhardt](#)
Subject: FW: 1869901 84 PCE - Zoning Resubmittal Package - Signed & Sealed [IWOV-dg_iman.FID27311]
Date: Thursday, February 18, 2021 11:32:30 AM
Attachments: [1869901_84 PCE - Zoning Submittal_2021-02-17 S&S.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Richard and Paul,

Please see the signed and sealed zoning package revised based on our discussions.

Note that the percentage of impervious has changed to 72% and the percentage of impervious plus pervious has changed to 78%. We amend our Special Land Use Permit request accordingly

Let me know if you have any questions

Thanks,
Laurel

Laurel A. David
Partner
The Galloway Law Group, LLC

Cell 770-337-1883
laurel@glawgp.com

Paul Leonhardt

From: Laurel David <laurel@glawgp.com>
Sent: Monday, February 15, 2021 3:49 PM
To: Richard McLeod; Paul Leonhardt
Cc: John DiGiovanni; Rob French (rfrench@phillipspar.com); Eric Porter (eporter@phillipspar.com)
Subject: RE: 84 PCE -- Zoning Resubmittal Package [IWOV-dg_iman.FID27311]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I apologize. I forgot to send you our responses to some comments we received from City Council – see below.

1. *The Applicant has worked with the City engineer to review alternative configurations for the bike lane and other street improvements.*
2. *Ground level access doors to retail/restaurants along both Ashford-Dunwoody & Perimeter Center East will be kept open during business hours.*
3. *Residential apartment balconies will have a minimum depth from exterior wall of five feet.*
4. *Sustainability / Eco / LEED – the Applicant will adhere to the sustainable measures required by the Perimeter Center Districts ordinance. This includes landscaping on the terrace above the retail portion of the site as well as the amenity area on the parking deck, EV charging stations in the parking deck, and the use of pervious pavers at grade level that will allow ground water to absorb into the soil.*
5. *The roof terrace above the retail will be open to the public.*
6. *The corner of Ashford-Dunwoody and Perimeter Center East is at a crosswalk with a convergence of pedestrians and bike traffic and should be kept clear. However, the building has been designed to cater to this focal point and be artistic and aesthetically pleasing.*
7. *A landscape plan was provided with the submission showing multiple plantings along the perimeter and interior to the site.*
8. *The multi-use path along the eastern boundary will be installed at the same time as the parking deck in the first phase.*
9. *Unfortunately, the Applicant will not be able to save many trees along the eastern boundary on the Property due to the public multi-use trail and public road required by the City.*

Thanks,
 Laurel

Laurel A. David
 Partner
 The Galloway Law Group, LLC

 Cell 770-337-1883
laurel@glawgp.com

From: Laurel David
Sent: Monday, February 15, 2021 3:39 PM

To: Richard McLeod (richard.mcleod@dunwoodyga.gov) <richard.mcleod@dunwoodyga.gov>; Paul Leonhardt <Paul.Leonhardt@dunwoodyga.gov>
Cc: John DiGiovanni <johnd@tmgatl.com>; Rob French (rfrench@phillipspart.com) <rfrench@phillipspart.com>; Eric Porter (eporter@phillipspart.com) <eporter@phillipspart.com>
Subject: RE: 84 PCE -- Zoning Resubmittal Package [IWOV-dg_iman.FID27311]

Richard and Paul

I just wanted to make sure you received the revised submittal?

Thanks,
 Laurel

Laurel A. David
 Partner
 The Galloway Law Group, LLC

 Cell 770-337-1883
laurel@glawgp.com

From: Laurel David
Sent: Friday, February 12, 2021 5:33 PM
To: Richard McLeod (richard.mcleod@dunwoodyga.gov) <richard.mcleod@dunwoodyga.gov>; Paul Leonhardt <Paul.Leonhardt@dunwoodyga.gov>
Cc: John DiGiovanni <johnd@tmgatl.com>; Rob French (rfrench@phillipspart.com) <rfrench@phillipspart.com>; Eric Porter <eporter@phillipspart.com>
Subject: FW: 84 PCE -- Zoning Resubmittal Package [IWOV-dg_iman.FID27311]

Richard and Paul

Please see revisions attached. Maybe we can touch base Monday to make sure you have everything you need and I have worded the Special Exception to impervious coverage correctly?

Have a great weekend

Thanks,
 Laurel

Laurel A. David
 Partner
 The Galloway Law Group, LLC

 Cell 770-337-1883
laurel@glawgp.com

**SECOND AMENDMENT
APPLICATION FOR REZONING**

JSJ Perimeter, LLC)	
c/o The Galloway Law Group)	IN RE: RZ 20-03
)	
Applicant,)	
)	
For the property located at)	
)	
84, 130, and 140 Perimeter Center East)	

COMES NOW the Applicant and respectfully requests that the above-referenced Applications be amended as follows:

(1)

By incorporating the enclosed revised site plan rendering dated February 12, 2021;
and

(2)

By incorporating the enclosed revised “Multi-Family Concept Sketches”, dated February 12, 2021; and

(3)

By incorporating the enclosed “Pervious Study”, dated February 12, 2021; and

(4)

By amending the SLUP Application to reflect a request to allow an exception to Section 27-104(c), Figure 27-104-3, for an increase in the maximum impervious coverage to 71%, instead of the 85% previously requested and to allow an increase in impervious and semi-pervious coverage to 77%; and

(5)

By incorporating the enclosed “Streetscape Sections”, dated February 12, 2021; and

(6)

By incorporating the enclosed “Preliminary Elevations”, dated February 12, 2021;
and

(7)

By incorporating the enclosed “West Elevation Building Graphics”, dated September 30, 2019; and

(8)

By incorporating the enclosed “Zoning Landscape Site Plan”, dated February 12, 2021.

WHEREFORE, the Applicant requests that the City of Dunwoody accept this Second Amendment; that the Application be amended in accordance with this Second Amendment; and that the Applicant have such other and further relief as is just and proper under the circumstances.

Respectfully submitted,
THE GALLOWAY LAW GROUP, LLC



Laurel A. David
[via electronic signature]

4062 Peachtree Road, Suite A330
Atlanta, Georgia 30319



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

- ☐ 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



#7..

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

* Applicant Information:

Company Name:	JSJ Perimeter, LLC c/o The Galloway Law Group		
Contact Name:	Laurel David		
Address:	4062 Peachtree Rd., NE, Suite A 330, Atlanta GA 30319		
Phone:	404-965-3669	Fax:	
Email:	laurel@glawgp.com		
Pre-application conference date (required):	Sept 22		

* Owner Information: ☒ Check here if same as applicant

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

* Property Information:

Property Address:	84, 130 and 140 Perimeter Center East, Dunwoody, GA 30346	Parcel ID:	18 347 01 013; -021; -028
Current Zoning Classification:	C-1-c		
Requested Zoning Classification:	PC-2		

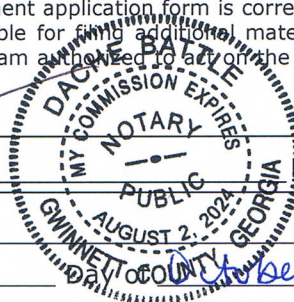
* Applicant Affidavit:

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:	JSJ Perimeter, LLC			
Applicant's Signature:			Date:	

* Notary:

Sworn to and subscribed before me this	5	day	October	, 20	20
Notary Public:	Dache Battle				
Signature:					
My Commission Expires:	08/02/24				



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:**

Signature: _____	Date: _____
Address: _____	

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:**

Signature: _____		Date: _____
Address: _____		

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

Date	Government Official	Official Position	Description	Amount

**LETTER OF INTENT APPLICATION FOR REZONING
CITY OF DUNWOODY, GEORGIA**

JSJ Perimeter, LLC (the “Applicant” and Owner) requests a rezoning of property located at 84, 130, and 140 Perimeter Center East (Parcel Identification Numbers 18 18 347 01 013; 18 347 01 021; 18 347 01 028)(collectively known as the “Property”). The Property is currently zoned C-1 and is conditioned to a site plan showing a development consisting of a 12-story, 160-room hotel and two additional multi-story buildings containing 40,000 square feet of retail, restaurant and commercial uses. (See Dunwoody zoning case number MA 19-02).

The Applicant proposes to rezone the Property to PC-2 in accordance with the Perimeter Center District Regulating Map in order to replace the hotel with a multi-family rental building containing a maximum of 225 units that will be age-restricted to persons 55 years and older as defined by the Fair Housing Act. Like the previous approval, the development will also include approximately 43,140 square feet of commercial uses, including but not limited to restaurants and retail, patio and rooftop terrace seating and a multi-story parking deck. The development will incorporate the streetscapes on Ashford Dunwoody and Perimeter Center Parkway similar to that approved in MA 19-02. The Applicant has also submitted a Special Land Use Permit (SLUP) request concurrently with this application to allow the age restricted rental and to request variances for setbacks and maximum impervious coverage required by the PC-2 zoning in order to provide the setbacks and impervious coverage similar to that previously approved by MA 19-02. Other than changing the hotel use to age restricted rental housing, the development is similar to what was approved in MA 19-02. The SLUPs are needed due to the difference in zoning requirements between C-1 and PC-2.

The Applicant respectfully submits this request, and asks that the City Council approve the Rezoning as the proposal is consistent with the following standards and factors set forth in Section 27-335 of the Zoning Ordinance of the City of Dunwoody:

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

The Property is in the Perimeter Center Character Area, which is described as “a visitor friendly, livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment.” Comp. Plan at Page 25. The Perimeter Center Character Area aims to create a “true live-work environment” by “creating

mixed-use, transit-oriented development within walking distance of public transit stations.” Comp. Plan at Page 25. The Applicant’s proposal is attuned to this vision for the Perimeter Center area, as the Applicant proposes a residential use and the Property is just a ten (10) to fifteen (15) minute walk from the Dunwoody MARTA station. Providing a mixed-use development with flexible commercial space at this location will not only allow the Applicant to respond to market demands for restaurant and retail uses, but will also foster small business creation and growth, one of the priority needs listed in the Comprehensive Plan. Comp. Plan at Page 36.

The City’s Comprehensive Plan “aims to make Dunwoody a ‘lifelong community:’ that is, a place individuals can live throughout their lifetime and which provides a full range of options for residents, including: Encourage the integration of senior appropriate housing, both active adult and assisted living, into the fabric of the community, thus offering multi-generational or lifelong housing opportunities.” Comp. Plan at 11. The vision and intent of the Perimeter Center Character Area is to “Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services.” Comp. Plan at 26. The Applicant’s proposal will provide needed housing options to allow senior residents to downsize but stay within the community, near the services available in the immediate area. Therefore, the approval of the Applicant’s proposal will achieve the City’s objectives of a Lifelong Community.

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 Applicant proposes to rezone the Property to PC-2 in accordance with the Perimeter Center District Regulating Map. Other parcels in the vicinity are zoned to the C-1, O-I and OCR districts and are densely with commercial, office and multi-family residential uses. The Property is situated opposite Perimeter Mall and near both the Dunwoody MARTA station and I-285. It is also within walking distance of dense office, residential, restaurants, and retail and other commercial uses. This Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

The Property was originally rezoned in 2008 to fit a specific market concept presented by a national hotel chain that combined a hotel with a large fitness center. The 2008 zoning

conditions were modified by MA 19-02 to allow a hotel and two multi-story commercial buildings. Since that time, the Covid-19 pandemic has altered market demand, particularly by reducing the demand for hotel uses. The Applicant's request, if granted, would allow reasonable economic use of the Property by providing age restricted residential uses to conform with the objectives of a Lifelong Community and more flexibility to meet current market conditions.

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

The commercial uses proposed are allowed under the PC-2 District zoning classification. Age restricted rental housing is a permitted use, but only with a SLUP. This change would not affect the existing use or usability of adjacent or nearby property. The proposed change is in keeping with the policy objectives of the Perimeter Center District by proposing a mix of uses and maintaining improved modes of travel through streetscape improvements and a new road connection to the property to the south.

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

The surrounding area has been densely developed for many years. As mentioned above, the Applicant proposes uses that are included in the Lifelong Community objectives recommended for the Perimeter Center District.

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

The Applicant is unaware of any historic buildings, sites, districts, or archeological resources that this zoning proposal would adversely affect.

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 proposal is not expected to result in a use that would excessively burden existing streets, transportation facilities, utilities or schools. The proposed age-restricted housing is unlikely to have many school age children and will not impact the City's school system. While existing infrastructure is sufficient to meet the increases in usage that will result from the development, the proposed development will increase the number of car trips to the Property. As a result, the Applicant has agreed to install a new road connection to the southern property boundary for a future connection by the adjacent property owner.

Because this Rezoning proposal meets all the standards and factors set forth in Section 27-335 of the Zoning Ordinance of the City of Dunwoody, the Applicant respectfully asks that the City Council grant the Rezoning as requested by the Applicant above.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David
Attorney for the Applicant

4062 Peachtree Rd., Suite A330
Atlanta, Georgia 30319
(404) 965-3669

**LETTER OF INTENT FOR
SPECIAL LAND USE PERMIT APPLICATION
CITY OF DUNWOODY, GEORGIA**

JSJ Perimeter, LLC (the “Applicant” and Owner) requests Special Land Use Permits (SLUPs) for property located at 84, 130, and 140 Perimeter Center East (Parcel Identification Numbers 18 18 347 01 013; 18 347 01 021; 18 347 01 028)(collectively known as the “Property”). The Property is zoned C-1 and is conditioned to a site plan showing a development consisting of a 12-story, 160-room hotel and two additional buildings – one one-story and one two-story - with approximately 40,000 square feet of retail, restaurant and commercial uses. (See Dunwoody zoning case number MA 19-02). The Property is currently occupied by a vacant bank building.

The Applicant has filed a rezoning application concurrently with this application to rezone the Property to PC-2 in accordance with the Perimeter Center District Regulating Map in order to be able to replace the hotel with a multi-family rental building containing a maximum of 225 units. Residents of the multi-family building will be age-restricted to persons 55 years and older as defined by the Fair Housing Act. Other than changing the hotel use to age restricted rental housing, the development is similar to what was approved in MA 19-02. The proposed development will also include approximately 43,140 square feet of commercial uses, including but not limited to restaurants and retail, patio and rooftop terrace seating and a multi-story parking deck. The development will incorporate the streetscapes on Ashford Dunwoody and Perimeter Center Parkway similar to that approved in MA 19-02.

The residential and commercial uses will be included in the same building. As a result, the buildings on the site are all designated as Shopfront Buildings and the requirements for that building type have been applied accordingly. As a result, SLUPs are needed due to the difference in zoning requirements between C-1 and PC-2, Shopfront Buildings, as follows:

1. To allow an exception to Section 27-104(c), Figure 27-104-3, for an increase in the maximum impervious coverage from 65% (or 75% with semi-pervious cover) to a total of 85% coverage of both impervious and semi-pervious coverage (see exhibit attached). The total maximum impervious/semi-impervious lot coverage allowed when MA 19-02 was approved was 86%, per variances approved 8/12/2008,

Application No. A-08-14932. The lot coverage included in the MA 19-02 approval was 83.7%.

2. To allow residential use of age-restricted multi-family housing. Section 27-104(f)(2).
3. To allow an exception to Section 27-105(b)(2) to reduce the required interior side yard setback from 15 feet to 0 feet and to reduce the rear yard setback of 30 feet to 10 feet. The setbacks allowed when MA 19-02 was approved were zero for side and rear yards, per variances approved 8/12/2008, Application No. A-08-14932. The setbacks included in the MA 19-02 approval were zero feet for the interior side yard and 8 feet for the rear yard.
4. To allow and exception to Section 27-105(b)(2) to reduce the minimum floor-to-floor height required at the ground level from 14 feet for portions of the multi-family building that do not contain lobby or amenity spaces. The need for this SLUP is necessary to allow residential uses on the ground floor of a mixed-use Shopfront Building to activate the streetscape.
5. To allow an exception to Section 27-105(b)(2) for residential uses at the ground floor level in multi-family building that will not be service or lobbies for lodging. The need for this SLUP is necessary to allow residential uses on the ground floor of a mixed-use Shopfront Building to activate the streetscape.

The Applicant respectfully submits this request, and asks that the City Council approve the SLUPs as the proposal is consistent with the following standards and factors set forth in Section 27-359(b) of the Zoning Ordinance of the City of Dunwoody:

1. Whether the major exception request, if granted, will result in development that is inconsistent with the stated intent of the regulations;

Section 27-103 states the intent of the Perimeter Center (PC) district regulations is to promote the same purposes identified for the Perimeter Center Overlay. Specifically, the intent is “to recognize and foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability.” Section 27-98(a)(2).

The Applicant’s proposal will provide residential uses for persons aged 55 and older within walking distance of the multitude of commercial uses in Perimeter Center. In addition to

containing compatible commercial, restaurant and retail uses on-site, it will be within walking distance of dense office, residential, and restaurant, retail and other commercial uses. The Applicant proposes to improve the streetscape on the Property to transform it to a pedestrian-friendly livable center in its own right, as well as being weaved into the fabric of the Perimeter Center livable center. In addition, the pedestrian and bike connection to the adjacent property to the south will further enhance the walkability of the Property.

The Furthermore, the City's Comprehensive Plan "aims to make Dunwoody a "lifelong community:" that is, a place individuals can live throughout their lifetime and which provides a full range of options for residents, including: Encourage the integration of senior appropriate housing, both active adult and assisted living, into the fabric of the community, thus offering multi-generational or lifelong housing opportunities." Comp. Plan at 11. Accordingly, the vision and intent of the Perimeter Center Character Area is to "Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services." Comp. Plan at 26. Approval of the Applicant's proposal will achieve these objectives.

(2) Whether the major exception request, if granted, will result in development that is in keeping with the overall character of the surrounding area; and

The Applicant proposes to rezone the Property to PC-2 in accordance with the Perimeter Center District Regulating Map. Other parcels in the vicinity are zoned to the C-1, O-I and OCR districts and are densely with commercial, office and multi-family residential uses. The Property is situated opposite Perimeter Mall and near both the Dunwoody MARTA station and I-285. It is also within walking distance of dense office, residential, and restaurant, retail and other commercial uses. The Property is in the Perimeter Center Character Area, which is described as "a visitor friendly, livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment." Comp. Plan at Page 25. The Perimeter Center Character Area aims to create a "true live-work environment" by "creating mixed-use, transit-oriented development within walking distance of public transit stations." Comp. Plan at Page 25.

The Applicant's proposal is attuned to this vision for the Perimeter Center area, as the Applicant proposes a residential use in a mixed use development just a ten (10) to fifteen (15) minute walk from the Dunwoody MARTA station. Providing a mixed-use development with flexible commercial space at this location will not only allow the Applicant to respond to market

demands for restaurant and retail uses, but will also foster small business creation and growth, one of the priority needs listed in the Comprehensive Plan. Comp. Plan at Page 36. Granting of the exceptions will result in a development that fosters the intent of the Perimeter Center District regulations and, therefore, in keeping with the overall character of the surrounding area.

The special exceptions requested for setbacks and lot coverage are in keeping with the overall character of the surrounding area. The proposal will be enhanced with landscaping and outdoor patio seating for the commercial uses, rooftop terraces with container gardens (that will be open to the public) and outdoor amenity areas for the multifamily use. The exceptions requested for floor-to-floor height and residential uses on the ground floor will activate the streetscape and help provide a transition to adjacent residential uses.

(3) Whether any negative impacts resulting from the granting of the major exception will be mitigated to the maximum practical extent.

The commercial uses proposed are allowed under the PC-2 District zoning classification. Age restricted rental housing is a permitted use, but only with a SLUP. This change would not affect the existing use or usability of adjacent or nearby property. The proposed change is in keeping with the policy objectives of the Perimeter Center District by proposing a mix of uses and maintaining improved modes of travel through streetscape improvements and a new road connection to the property to the south.

The special exceptions requested for setbacks and lot coverage will be mitigated with landscaping and outdoor patio seating for the commercial uses, rooftop terraces with container gardens (that will be open to the public) and outdoor amenity areas for the multifamily use. The exceptions requested for floor-to-floor height and residential uses on the ground floor are to allow residential uses at the ground floor level to be occupied by residents on the western side of the building, adjacent to multi-family uses. This would not only activate the streetscape, but help provide a transition to adjacent residential uses.

The proposal is not expected to result in a use that would excessively burden existing streets, transportation facilities, utilities or schools. The proposed age-restricted housing is unlikely to have many school age children and will not impact the City's school system. While existing infrastructure is sufficient to meet the increases in usage that will result from the development, the proposed development will increase the number of car trips to the Property. As

a result, the Applicant has agreed to install a new road connection to the southern property boundary for a future connection by the adjacent property owner.

Because this SLUPs requested meet all the standards and factors set forth in Section 27-359(b) of the Zoning Ordinance of the City of Dunwoody, the Applicant respectfully asks that the City Council grant the SLUPs as requested by the Applicant above.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David
Attorney for the Applicant

4062 Peachtree Rd., Suite A330
Atlanta, Georgia 30319
(404) 965-3669

CONSTITUTIONAL OBJECTIONS
APPLICATION FOR REZONING MODIFICATION
CITY OF DUNWOODY, GEORGIA

Georgia Law and the procedures of City of Dunwoody require us to raise Federal and State Constitutional objections during the Rezoning Modification application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of City of Dunwoody, Georgia, as applied to the Property, that would result in a denial of the Rezoning Modification as requested, are, or would be, unconstitutional in that they would destroy property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of City of Dunwoody or the City of Dunwoody Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of City of Dunwoody without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant the Rezoning Modification as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Rezoning Modification subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would

likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to City of Dunwoody, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by City of Dunwoody. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Owner/Applicant respectfully requests that the City Council of the City of Dunwoody grant the Rezoning Modification as requested.

THE GALLOWAY LAW GROUP, LLC



Laurel David
Attorney for the Applicant

4062 Peachtree Rd., Suite A330
Atlanta, Georgia 30319
(404) 965-3669

TRACT 1 PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 347, 18th District, DeKalb County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right of Way width) and the southerly Right-of-Way Line of Perimeter Center East (having an apparent variable Right of Way width); thence, leaving the said point of commencement as thus established and running with the aforesaid Right-of-Way Line of Perimeter Center East 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence, 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence, North 77°07'17" East, 10.35 feet to a PK Nail Found; thence, North 76°37'17" East, 148.94 feet to a point and the POINT OF BEGINNING;

Thence, from said POINT OF BEGINNING as thus established and continuing with the aforesaid Right-of-Way Line of Perimeter Center East

1. North 76°37'17" East, 54.41 feet to a point; thence,
2. 76.24 feet along the arc of a curve deflecting to the right, having a radius of 454.47 feet and a chord bearing and distance of North 81°25'47" East, 76.15 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with property now or formerly owned by Bell Fund V Perimeter, LLC, per Deed Book 25669, Page 518, recorded among the Land Records of DeKalb County, Georgia
3. South 00°30'14" West, 283.88 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Bell Fund V Perimeter, LLC and running with property now or formerly owned by Hines Atlanta, LTD, per Deed Book 9254, Page 771, aforesaid records
4. North 89°02'06" West, 130.08 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Hines Atlanta, LTD and running with Tract 2 now or formerly owned by DJ Perimeter, LLC per Deed Book 27180 Page 774 aforesaid records
5. North 00°57'41" East, 257.78 feet to the POINT OF BEGINNING, containing 35,192 square feet or 0.8079 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

TRACT 2 PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 347, 18th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right-of-Way width) and the southerly Right-Of-Way Line of Perimeter Center East (having an apparent variable Right-of-Way width); thence, leaving the said POINT OF BEGINNING as thus established and running with the aforesaid Right-of-Way Line of Perimeter Center East

1. 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence,
2. 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence,
3. North 77°07'17" East, 10.35 feet to a PK Nail Found; thence,
4. North 76°37'17" East, 148.94 feet to a point; thence, leaving the aforesaid Right-of Way Line of Perimeter Center East and running with Tract 1, now or formerly owned by DJ Perimeter, LLC, per Deed Book 27180 Page 774, among the Land Records of Dekalb County, Georgia
5. South 00°57'41" West, 257.78 feet to a ½ inch rebar found; thence, leaving the aforesaid property of RB 84 PC, LLC and running with property now or formerly owned by Hines Atlanta, LTD. Per Deed Book 9254, Page 771 aforesaid and property now or formerly owned by Dekalb County, Georgia per Deed Book 5300, Page 105, aforesaid records
6. North 89°02'06" West, 450.42 feet to a point on the aforesaid Right-of-Way of Ashford Dunwoody Road; thence, leaving the aforesaid property of Dekalb County, Georgia and running with the said Right-of-Way Line of Ashford Dunwoody Road
7. North 20°49'21" East, 167.24 feet to the POINT OF BEGINNING, containing 89,627 square feet or 2.0575 acres of land, more or less

Property is subject to all easements and rights of way recorded and unrecorded.

SURVEY NOTES

EQUIPMENT USED:
A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

A TRIMBLE R-10 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.

CLOSURE STATEMENT:
TRACT 1 HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 254,119 FEET.

TRACT 2 HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 162,511 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED, ARE WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA/NSPS LAND TITLE SURVEYS PER THE 2016 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND NSPS AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE PER STATE GPS OBSERVATION.

ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES. MEASURING UNITS OF THIS SURVEY ARE IN U.S. SURVEY FEET.

FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON MAY 17, 2019

INFORMATION REGARDING SIZE, LOCATION, AND SPECIES OF EXISTING TREES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE SIZE AND SPECIES OF THE SAID TREES WITHOUT VERIFICATION FROM THE DESIGNATED ARBORIST BY THE LOCAL REGULATORY AUTHORITY. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON EXCEPT BY APPROVAL OF SAID AUTHORITY.

THIS SURVEY MAY NOT REPRESENT OFFSITE PAINT STRIPING TO THE ACCURACY REQUIRED FOR LANE DESIGN. TERRAMARK LOCATES THE EDGE OF PAVING AND CRITICAL POINTS TO REFLECT ACCURATE TOPOGRAPHIC DATA ONLY. ACCURACY OF PAINT LOCATIONS SHOULD BE VERIFIED WITH SURVEYOR PRIOR TO USING THIS SURVEY FOR DESIGN.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY TO THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

INFORMATION REGARDING STORM SEWER AND SANITARY SEWER AS SHOWN HEREON, IS BASED ON OBSERVATIONS TAKEN BY TERRAMARK EMPLOYEES AT THE GROUND ELEVATION OF THE EXISTING STRUCTURE. TERRAMARK EMPLOYEES ARE NOT AUTHORIZED TO ENTER A CONFINED SPACE SUCH AS A STRUCTURE. THEREFORE, THERE IS NO CERTAINTY OF THE PIPE SIZES AND PIPE MATERIAL THAT ARE SHOWN ON THIS SURVEY. EXCAVATION BY A CERTIFIED CONTRACTOR IS THE ONLY WAY TO VERIFY PIPE SIZE AND MATERIAL. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE PIPE INFORMATION SHOWN HEREON.

STATE WATERS AND BUFFERS AS SHOWN OR NOT SHOWN HEREON ARE SUBJECT TO REVIEW BY LOCAL JURISDICTION OFFICIALS. IT IS THE RESPONSIBILITY OF THE LOCAL AUTHORITY TO DETERMINE SPECIFIC WATER CLASSIFICATION. THEREFORE, TERRAMARK LAND SURVEYING ACCEPTS NO RESPONSIBILITY IN THE IDENTIFICATION OF SAID WATERS OR BUFFERS IDENTIFIED OR NOT IDENTIFIED HEREON.

PROPERTY IS SUBJECT TO RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE WATER OF CREEKS AND BRANCHES CROSSING OR ADJOINING SUBJECT PROPERTY AND THE NATURAL FLOW THEREOF, FREE FROM DIMINUTION OR POLLUTION.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT WRITTEN CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

TERRAMARK LAND SURVEYING, INC. WAS UNABLE TO DETERMINE THE EXTENT OF PIPES MARKED AS APPROXIMATE DIRECTION ONLY. AFORESAID PIPE IS DRAWN ON THE SURVEY TO REFLECT THE OBSERVED DIRECTION BASED UPON A VISUAL INSPECTION OF THE STRUCTURE ONLY AND IS SHOWN FOR INFORMATIONAL PURPOSES.

AS OF THE DATE OF FIELDWORK SHOWN HEREON, THERE WERE NO OBSERVED WETLANDS MARKED ON THE SURVEYED PROPERTY.

AS OF THE DATE OF FIELDWORK SHOWN HEREON, THERE WERE NO OBSERVED CEMETERIES OR BURIAL GROUNDS ON THE SURVEYED PROPERTY.

TITLE NOTES

ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAPS) OF DEKALB COUNTY, GEORGIA, PANEL NUMBER 13090900012 J, HAVING AN EFFECTIVE DATE OF MAY 16, 2013, THE SURVEYED PROPERTY APPEARS TO LIE IN ZONE X (OTHER AREAS) WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER GRAPHICAL PLOTTING OF THE REFERENCED "FIRM" MAP SHOWN HEREON.

SURVEYED PROPERTY HAS DIRECT PEDESTRIAN AND VEHICULAR ACCESS TO THE PUBLIC RIGHTS OF WAY OF ASHFORD DUNWOODY ROAD AND PERIMETER CENTER EAST.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE INSPECTION REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-37580, HAVING AN EFFECTIVE DATE OF APRIL 10, 2019 AT 5:00 P.M. AND REVEALING THE FOLLOWING ENCUMBRANCES:

G. PERMIT FOR ANCHORS, GUY POLES AND WIRES FROM GEARON AND COMPANY, INC. TO GEORGIA POWER COMPANY, DATED JULY 21, 1969, RECORDED IN DEED BOOK 2447, PAGE 624, RECORDED AMONG THE LAND RECORDS OF DEKALB COUNTY, GEORGIA, (APPEARS TO AFFECT SURVEYED PROPERTY - UNABLE TO PLOT, BLANKET IN NATURE)

"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 RENEW ITS EXISTING FACILITIES AND EQUIPMENT WITHIN ITS PRESENTLY MAINTAINED RIGHT-OF-WAY.

H. EASEMENTS FROM PERIMETER CENTER ASSOCIATES TO GEORGIA POWER COMPANY, DATED JULY 7, 1971, FILED JULY 29, 1971, RECORDED IN DEED BOOK 2676, PAGE 635, AFORESAID RECORDS.

(AFFECTS SURVEYED PROPERTY - SHOWN ON SURVEY)

"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 RENEW ITS EXISTING FACILITIES AND EQUIPMENT WITHIN ITS PRESENTLY MAINTAINED RIGHT-OF-WAY.

I. GRANT OF EASEMENTS BY AND AMONG METROPOLITAN LIFE INSURANCE COMPANY, A NEW YORK CORPORATION, AND TAYLOR & MATHIS ENTERPRISES, LP, A GEORGIA LIMITED PARTNERSHIP, AND BEACON PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, DATED FEBRUARY 15, 1996, FILED FEBRUARY 20, 1996, RECORDED IN DEED BOOK 8811, PAGE 181, AFORESAID RECORDS; AS AMENDED BY THAT FIRST AMENDMENT TO GRANT OF EASEMENTS BY AND AMONG METROPOLITAN LIFE INSURANCE COMPANY, A NEW YORK CORPORATION, TAYLOR & MATHIS ENTERPRISES, LP, A GEORGIA LIMITED PARTNERSHIP, AND BEACON PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, DATED MARCH 7, 1997, FILED JULY 3, 1997, RECORDED IN DEED BOOK 8910, PAGE 723, AFORESAID RECORDS.

(AFFECTS SURVEYED PROPERTY (TRACT F) AND BENEFITS SURVEYED PROPERTY (TRACT 21) - SHOWN ON SURVEY AS EASEMENT FOR COMMUNICATION AND UNDERGROUND ELECTRIC LINES SHOWN WITHIN TRACT F; THERE WERE NO OBSERVED STORM WATER DRAINAGE, SANITARY SEWER OR WATER LINES OBSERVED ON TRACT F)

J. PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT FOR CONSTRUCTION OR IMPROVEMENT OF SIDEWALKS AND TRANSPORTATION IMPROVEMENTS BY EOP PERIMETER CENTER, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, TO DEKALB COUNTY, GEORGIA, DATED MARCH 6, 2003, FILED APRIL 11, 2003, RECORDED IN DEED BOOK 14336, PAGE 555, AFORESAID RECORDS.

(AFFECTS SURVEYED PROPERTY (TRACT 21) - SHOWN ON SURVEY)

THE SURVEYED PROPERTY IS THE SAME AS REFERENCED IN THE TITLE INSPECTION REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-37580, HAVING AN EFFECTIVE DATE OF APRIL 10, 2019 AT 5:00 P.M.

OVERALL PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 347, 18th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right-of-Way width) and the southerly Right-of-Way Line of Perimeter Center East (having an apparent variable Right-of-Way width); thence, leaving the said POINT OF BEGINNING as thus established and running with the aforesaid Right-of-Way Line of Perimeter Center East

- 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence,
- 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence,
- North 77°07'17" East, 10.35 feet to a PK Nail Found; thence,
- North 76°37'17" East, 203.35 feet to a point; thence,
- 76.24 feet along the arc of a curve deflecting to the right, having a radius of 454.47 feet and a chord bearing and distance of North 81°25'47" East, 76.15 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with property now or formerly owned by Bell Fund V Perimeter, LLC, per Deed Book 25669, Page 518, recorded among the Land Records of Dekalb County, Georgia
- South 00°30'14" West, 283.88 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Bell Fund V Perimeter, LLC and running with property now or formerly owned by Hines Atlanta, LTD, per Deed Book 9254, Page 771, aforesaid records and property now or formerly owned by Dekalb County, Georgia per Deed Book 5300, Page 105, aforesaid records
- North 89°12'06" West, 580.50 feet to a point on the aforesaid Right-of-Way of Ashford Dunwoody Road; thence, leaving the aforesaid property of Dekalb County, Georgia and running with the said Right-of-Way Line of Ashford Dunwoody Road
- North 20°49'21" East, 167.24 feet to the POINT OF BEGINNING, containing 124,819 square feet or 2.854 acres of land, more or less

Property is subject to all easements and rights of way recorded and unrecorded.

TRACT 1 PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 347, 18th District, Dekalb County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right of Way width) and the southerly Right-of-Way Line of Perimeter Center East (having an apparent variable Right of Way width); thence, leaving the said point of commencement as thus established and running with the aforesaid Right-of-Way Line of Perimeter Center East 88.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence, 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence, North 77°07'17" East, 10.35 feet to a PK Nail Found; thence, North 76°37'17" East, 148.94 feet to a point on the aforesaid Right-of-Way Line of Perimeter Center East

Thence, from said POINT OF BEGINNING as thus established and continuing with the aforesaid Right-of-Way Line of Perimeter Center East

- North 76°37'17" East, 54.41 feet to a point; thence,
- 76.24 feet along the arc of a curve deflecting to the right, having a radius of 454.47 feet and a chord bearing and distance of North 81°25'47" East, 76.15 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with property now or formerly owned by Bell Fund V Perimeter, LLC, per Deed Book 25669, Page 518, recorded among the Land Records of Dekalb County, Georgia
- South 00°30'14" West, 283.88 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Bell Fund V Perimeter, LLC and running with property now or formerly owned by Hines Atlanta, LTD, per Deed Book 9254, Page 771, aforesaid records
- North 89°12'06" West, 130.08 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of Hines Atlanta, LTD and running with Tract 2 now or formerly owned by DJ Perimeter, LLC per Deed Book 27180 Page 774 aforesaid records
- North 00°57'41" East, 257.78 feet to the POINT OF BEGINNING, containing 35,192 square feet or 0.8079 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

TRACT 2 PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 347, 18th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right-of-Way width) and the southerly Right-of-Way Line of Perimeter Center East (having an apparent variable Right-of-Way width); thence, leaving the said POINT OF BEGINNING as thus established and running with the aforesaid Right-of-Way Line of Perimeter Center East

- 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence,
- 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence,
- North 77°07'17" East, 10.35 feet to a PK Nail Found; thence,
- North 76°37'17" East, 148.94 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with Tract 1, now or formerly owned by DJ Perimeter, LLC, per Deed Book 27180 Page 774, among the Land Records of Dekalb County, Georgia
- South 00°57'41" West, 257.78 feet to a 1/2 inch rebar found; thence, leaving the aforesaid property of RB 84 PC, LLC and running with property now or formerly owned by Hines Atlanta, LTD, Per Deed Book 9254, Page 771 aforesaid and property now or formerly owned by Dekalb County, Georgia per Deed Book 5300, Page 105, aforesaid records
- North 89°12'06" West, 450.42 feet to a point on the aforesaid Right-of-Way of Ashford Dunwoody Road; thence, leaving the aforesaid property of Dekalb County, Georgia and running with the said Right-of-Way Line of Ashford Dunwoody Road
- North 20°49'21" East, 167.24 feet to the POINT OF BEGINNING, containing 89,627 square feet or 2.0575 acres of land, more or less

Property is subject to all easements and rights of way recorded and unrecorded.

ALTA/NSPS LAND TITLE & TOPOGRAPHIC SURVEY FOR JSJ PERIMETER, LLC, BAY POINT CAPITAL PARTNERS II, LP & FIRST AMERICAN TITLE INSURANCE COMPANY (84 PERIMETER CENTER EAST)

LOCATED IN LAND LOT 347, 18TH DISTRICT DEKALB COUNTY, GEORGIA

SITE MAP

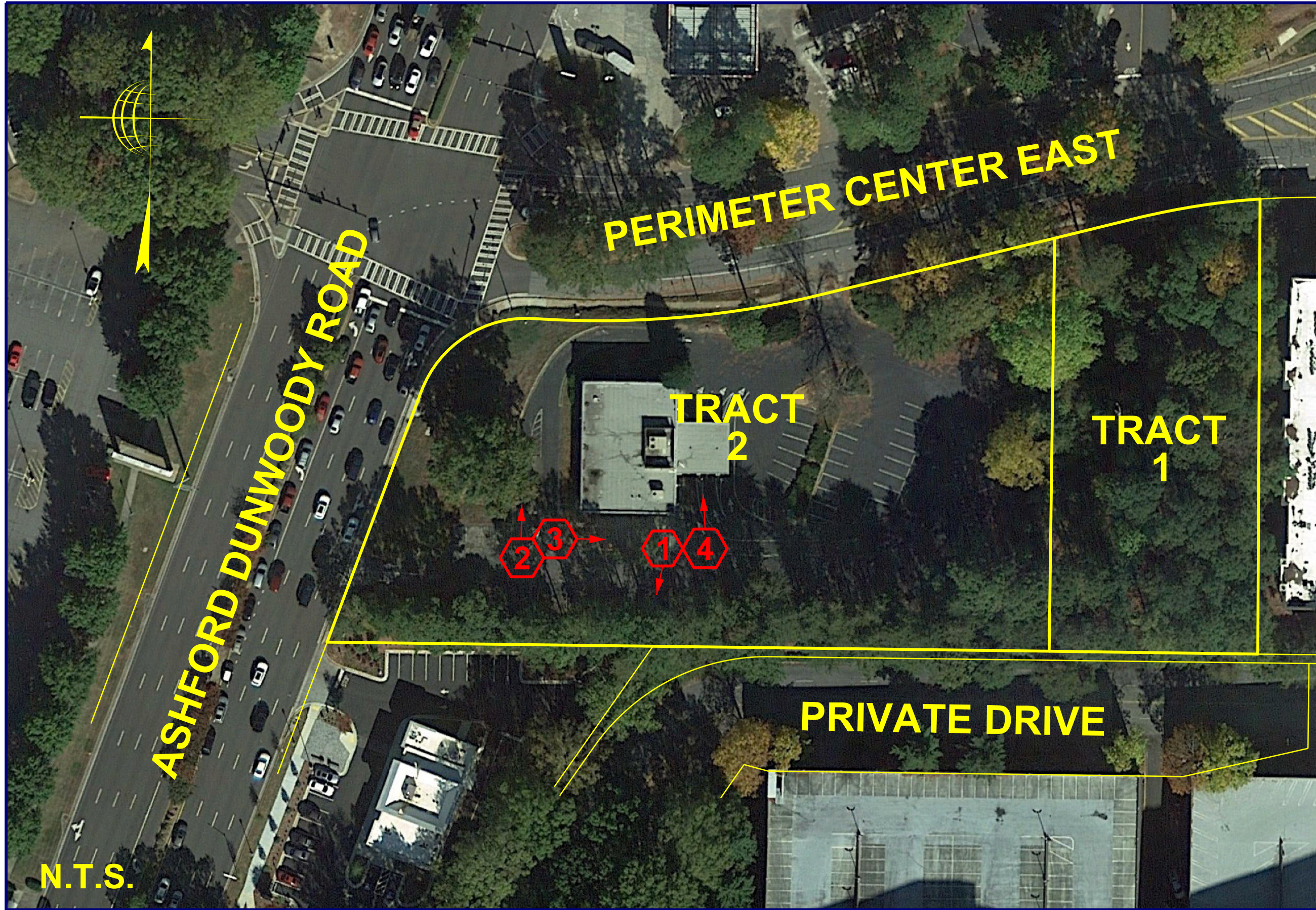
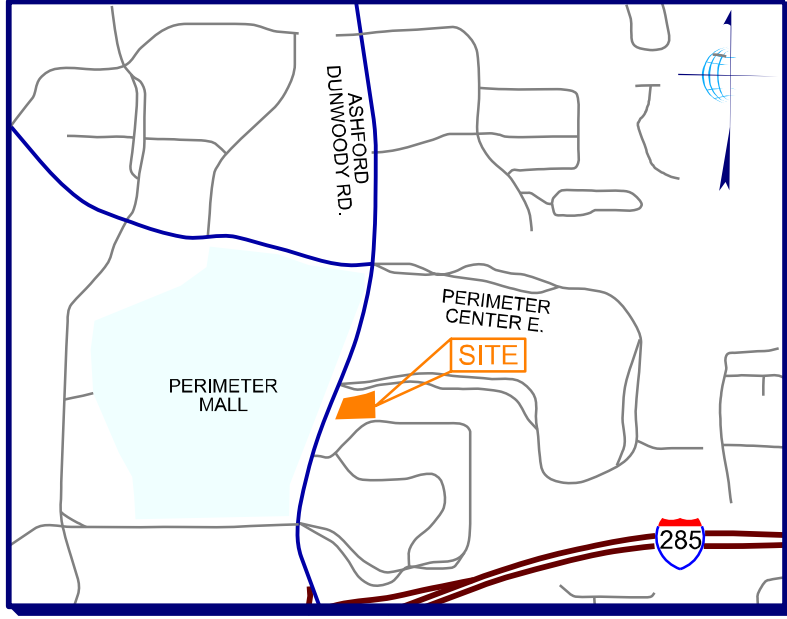


IMAGE PROVIDED BY GOOGLE EARTH
DATE OF IMAGERY NOVEMBER 16, 2018



LOCATION MAP

NOT TO SCALE
LAT - 33°35'24.01"N
LONG - 84°20'15.27"W

SITE INFORMATION

CURRENT OWNER: DJ PERIMETER, LLC.

TAX PARCEL ID # 1834701013, 1834701028 & 1834701021

ADDRESS: 84 PERIMETER CENTER EAST, 130 PERIMETER CENTER EAST & 140 PERIMETER CENTER EAST

ZONING: O1 (CONDITIONAL)- ZONING CASE Z-07-13879 & Z-08-14825

JURISDICTION: DEKALB COUNTY

PARKING COUNT:

REGULAR PARKING - 65
HANDICAPPED PARKING - 3
TOTAL PARKING COUNT - 68

SPECIAL NOTES

- CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS, THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- PURSUANT TO RULE 180-6-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- THIS SURVEY IS NOT PREPARED IN ACCORDANCE TO HB 1004 AND SHALL NOT BE RECORDED WITHIN THE APPLICABLE LAND RECORDS.

REFERENCE MATERIAL

- LIMITED WARRANTY DEED TO DJ PERIMETER, LLC, RECORDED IN DB. 27180 PG. 774 AMONG THE LAND RECORDS OF DEKALB COUNTY, GEORGIA
- QUITCLAIM DEED TO RB 84 PC, LLC RECORDED IN DB. 19631 PG. 786 AFORESAID RECORDS
- QUITCLAIM DEED TO RB 84 PC, LLC RECORDED IN DB. 19631 PG. 789 AFORESAID RECORDS
- ALTA/ACSM LAND TITLE SURVEY FOR MARRIOTT INTERNATIONAL, INC., ITS SUCCESSORS AND ASSIGNS, RENAISSANCE HOTEL OPERATING COMPANY, ITS SUCCESSORS AND ASSIGNS, KIMLEY-HORN AND ASSOCIATES, INC., RB 84 PC, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY, PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED FEBRUARY 11, 2008 AND LAST REVISED JUNE 6, 2008
- ALTA/NSPS LAND TITLE SURVEY FOR BRANCH ACQUISITIONS, LLC & FIRST AMERICAN TITLE INSURANCE COMPANY, PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED MAY 01, 2017

SURVEYOR'S CERTIFICATE

TO: JSJ PERIMETER, LLC, BAY POINT CAPITAL PARTNERS II, LP & FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR SURVEY AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 13, 14, 16, 17, 19 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MAY 17, 2019. THE DATE OF THE SURVEY OR MAP MAY 30, 2019.



PAUL B. CANNON, RLS
REGISTERED NUMBER: 2928

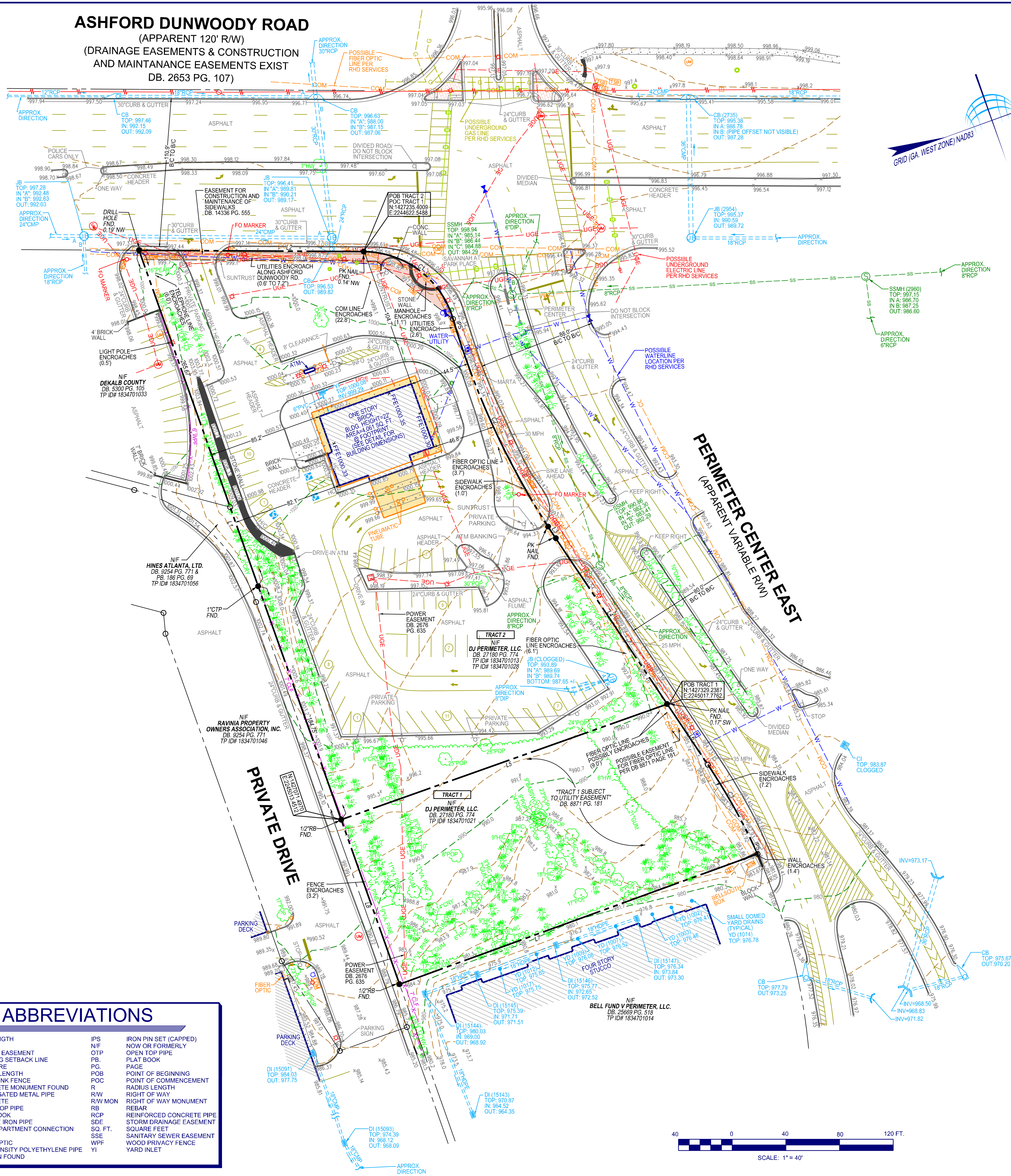
ALTA/NSPS LAND TITLE & TOPOGRAPHIC SURVEY FOR JSJ PERIMETER, LLC, BAY POINT CAPITAL PARTNERS II, LP & FIRST AMERICAN TITLE INSURANCE COMPANY (84 PERIMETER CENTER EAST) LOCATED IN LAND LOT 347, 18TH DISTRICT DEKALB COUNTY, GEORGIA

SHEET NO.

1/2

DRAWING# TM 19 083

ASHFORD DUNWOODY ROAD
(APPARENT 120' R/W)
(DRAINAGE EASEMENTS & CONSTRUCTION
AND MAINTENANCE EASEMENTS EXIST
DB. 2653 PG. 107)



TREE LEGEND
(ABBREVIATIONS)

DECIDUOUS (TREE)	BIR BCH	BIRCH BEECH	HLV HW	HOLLY HARDWOOD
CONIFEROUS (TREE)	CM CHY	CRAPPE MYRTLE CHERRY	MAG MAP	MAGNOLIA MAPLE
	CYP FIR	CYPRESS FIR	OAK ORN	OAK ORNAMENTAL
	GINGKO GUM	GINGKO SWEET GUM	PEAR POP	PEAR POPLAR
	HIC	HICKORY	SYC	SYCAMORE

AREA TABLE

TRACT 1	89,627 SQ.FT. OR 2.0575 AC.
TRACT 2	35,192 SQ.FT. OR 0.8079 AC.
TOTAL AREA	124,819 SQ.FT. OR 2.8654 AC.

LEGEND

—	CURB AND GUTTER (C&G)
—X—	FENCE
—	HANDRAIL
—	STORM DRAIN LINE
—SS—	SANITARY SEWER
—W—	WATER LINE
—G—	GAS LINE
—USE—	UNDERGROUND POWER LINE
—	OVERHEAD POWER LINE
—COM—	COMMUNICATION
—100—	TOPOGRAPHIC CONTOUR
—	PROPERTY LINE
—	CATCH BASIN (DWCB)
—	CATCH BASIN (SWCB)
—	DROP INLET (DI)
—	JUNCTION BOX (JB)
—	HEAD WALL (HW)
—	CURB INLET (CI)
—	FLARED END SECTION (FES)
—	OUTLET CONTROL STRUCTURE
—	YARD DRAIN INLET
—	SS MANHOLE (MH)
—	CLEAN OUT (CO)
—	GREASE TRAP (GT)
—	IRRIGATION CONTROL VALVE
—	FIRE HYDRANT (FH)
—	WATER VALVE (WV)
—	WATER METER (WM)
—	FIRE DEPT. CONNECTION (FDC)
—	WATER VALVE MARKER
—	TRANSFORMER BOX (TX)
—	AIR CONDITIONER (AC)
—	ELECTRIC METER (EM)
—	ELECTRIC UTILITY
—	LIGHT POLE (LP)
—	POWER POLE WITH LIGHT
—	POWER POLE (PP)
—	UTILITY MANHOLE (UM)
—	SPOTLIGHT
—	GAS METER (GM)
—	GAS VALVE (GV)
—	TRAFFIC SIGNAL BOX
—	TELEPHONE PEDESTAL
—	COMMUNICATION BOX
—	TRAFFIC SIGNAL
—	BOLLARD (BO)
—	MAIL BOX
—	SIGN
—	CROSSWALK SIGNAL
—	SPOT ELEVATION
—	CONCRETE AREA
—	OVERHANG AREA
—	RIP-RAP AREA
—	BRICK AREA
—	TREELINE

ABBREVIATIONS

A.	ARC LENGTH	IPS	IRON PIN SET (CAPPED)
AC.	ACRE	NIF	NOW OR FORMERLY
AE.	ACCESS EASEMENT	OTP	OPEN TOP PIPE
BSL.	BUILDING SETBACK LINE	PB.	PLAT BOOK
BW.	BARB WIRE	PG.	PAGE
CH.	CHORD LENGTH	POB	POINT OF BEGINNING
CLF.	CHAIN LINK FENCE	POC	POINT OF COMMENCEMENT
CMF.	CONCRETE MONUMENT FOUND	R.	RADIUS LENGTH
CMP.	CORRUGATED METAL PIPE	R	RIGHT OF WAY
CONC.	CONCRETE	R/W	RIGHT OF WAY MONUMENT
CRIMP.	CRIMP TOP PIPE	RB.	REINFORCED CONCRETE PIPE
DB.	DEED BOOK	RCP.	REINFORCED CONCRETE PIPE
DIP.	DUCTILE IRON PIPE	SDE.	STORM DRAINAGE EASEMENT
FDC.	FIRE DEPARTMENT CONNECTION	SQ. FT.	SQUARE FEET
FND.	FOUND	SSE.	SANITARY SEWER EASEMENT
FOD.	FIBER OPTIC	WPF.	WOOD PRIVACY FENCE
HDPE.	HIGH DENSITY POLYETHYLENE PIPE	YI.	YARD INLET
IPF.	IRON PIN FOUND		

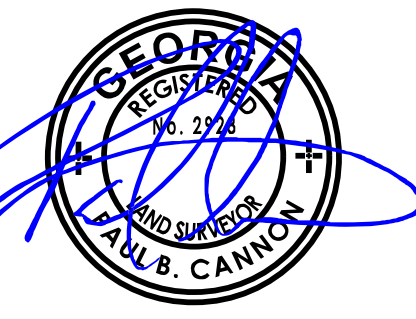
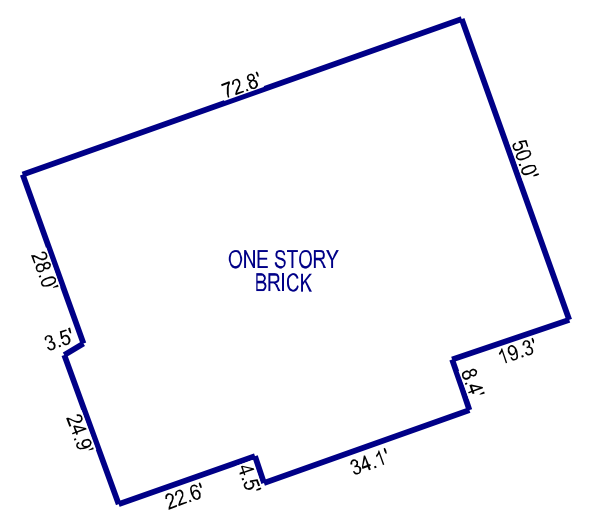
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°02'36" W	450.42'
L2	N 20°49'21" E	167.24'
L3	N 77°07'17" E	10.35'
L4	N 76°37'17" E	148.94'
L5	S 00°57'41" W	257.78'
L6	N 76°37'17" E	54.41'
L7	S 00°30'14" W	283.88'
L8	N 85°02'35" W	130.08'

CURVE TABLE

SEGMENT	ARC	RADIUS	BEARING	CHORD
C1	88.42'	70.00'	N 57°28'01" E	83.46'
C2	170.90'	595.95'	N 85°53'52" E	170.31'
C3	76.24'	454.47'	N 81°25'47" E	76.15'

BUILDING
DIMENSION



TerraMark Land Surveying, Inc.
1000 Peachtree Dunwoody Road, Suite 300
Marietta, Georgia 30066
Phone No. (770) 421-1927
Fax No. (770) 421-0552
www.TerraMark.com
Professional Land Surveying C. O. A. #LSF00810

TerraMark
Professional Land Surveying

Project No.	Date	Revision	No.	By
20190303			#1	JK
			#2	NEC
			#3	NEC
			#4	NEC
			#5	NEC
			#6	NEC
			#7	NEC
			#8	NEC
			#9	NEC
			#10	NEC

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SHEET NO.
2/2
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