

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2021-XX-XX**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 20-02A (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 has requested a SLUP to allow an increase in the maximum impervious coverage from 65% (or 75% with semi-pervious coverage) to a total of 78% coverage of both impervious and semi-pervious coverage; 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 hereby ORDAINES and APPROVES the Special Land Use Permit 20-02A to allow an increase in the maximum impervious coverage from 65% (or 75% with semi-pervious coverage) to a total of 78% coverage of both impervious and semi-pervious coverage to the following Exhibits 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;
  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,

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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

\_\_\_\_\_  
Sharon Lowery, City Clerk

\_\_\_\_\_  
Office of City Attorney

SEAL

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**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 20-02B (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 has requested a SLUP to allow residential use of age-restricted multi-family; 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 hereby ORDAINES and APPROVES the Special Land Use Permit 20-02B to allow residential use of age-restricted multi-family to the following Exhibits 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

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- 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;
  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.

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- 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

\_\_\_\_\_  
Sharon Lowery, City Clerk

\_\_\_\_\_  
Office of City Attorney

SEAL

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 20-02C (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 has requested a SLUP 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; 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 hereby ORDAINES and APPROVES the Special Land Use Permit 20-02C 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 to the following Exhibits 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;
  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.



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- 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

\_\_\_\_\_  
Sharon Lowery, City Clerk

\_\_\_\_\_  
Office of City Attorney

SEAL

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT 20-02D (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 has requested a SLUP 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; 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 hereby **ORDAINES** and **APPROVES** the Special Land Use Permit 20-02D 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 to the following Exhibits 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;
  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,

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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

\_\_\_\_\_  
Sharon Lowery, City Clerk

\_\_\_\_\_  
Office of City Attorney

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