



4800 Ashford Dunwoody Road  
Dunwoody, GA 30338  
Phone: (678) 382-6800  
dunwoodyga.gov

**MEMORANDUM**

To: Mayor and City Council

From: Madalyn Smith, Senior Planner

Date: June 12, 2023

Subject: RZ 23-02 & SLUP 23-03 – 84 Perimeter Center East, Parcel ID#18 347 01 013

**REQUEST**

The applicant, JSJ Perimeter LLC, requests a modification of the zoning and special land use permit conditions of cases RZ 20-03 & SLUP 20-02, to remove the condition of approval #25, which reads:

“As agreed by the developer at the March 8, 2021 City Council meeting, the land disturbance permit must be applied for within two years of the date of the zoning approval and must be issued within 30 months of the date of the zoning approval or the land use reverts to what is zoned currently.”

For reference the original requests for RZ **20-03** & SLUP **20-02** are as follows:

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; and
5. **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.

**APPLICANT**

Property Owner & Petitioner:  
JSJ Perimeter LLC  
John DiGiovanni

**PLANNING COMMISSION, 5.9.23**

Planning Commission held a public hearing regarding the subject cases on May 9, 2023. There were no public comments.

Following a limited discussion, Deb Cameron moved to approve RZ 23-02 subject to staff conditions, Erika Harris seconded, and the motion passed 5-0. Deb Cameron then moved to approve SLUP 23-03 subject to staff condition, Erika Harris seconded, and the motion passed 5-0.

**BACKGROUND & PROPOSED DEVELOPMENT**

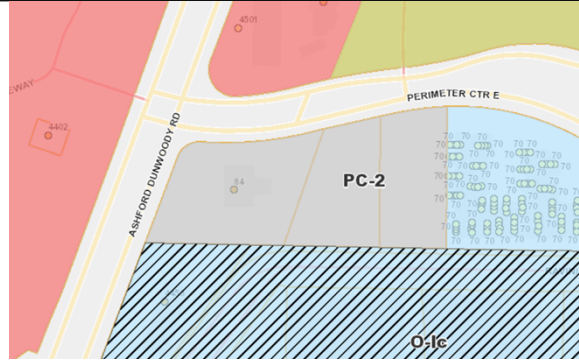


Figure 1. Zoning Map

The subject site, 84 Perimeter Center East, is a 2.86 acre property located at the corner of Ashford Dunwoody Road and Perimeter Center East. The site currently contains a vacant one-story building, formerly occupied as a bank. The site is zoned PC-2 and is within the Perimeter Center Overlay.

The property has undergone a series of zoning amendments over the past 15 years. In 2008, the property was 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. 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). In 2020, the applicant removed the plans for a hotel and proposed to replace it with 14-story building with 225 units of age-restricted rental housing, which prompted a rezoning to PC-2 and several special land use permit requests (RZ 20-03 & SLUP 20-02). Overall, these series of zoning actions resulted in the following approved site plan:



Figure 2. Approved site plan

The applicant does not propose any major amendments to this site plan. Rather, the subject of their request is related to the timeline in which this development is delivered. The previous zoning actions, RZ 20-03 & SLUP 20-02, prompted a condition that required the applicant to have an approved Land

Disturbance Permit by September 8, 2023. Per the applicant, the current economic conditions have severely financially impacted the project and the prescribed deadline cannot be feasibly met and, as such, they have requested the removal of this condition.

**SITE PLAN ANALYSIS**

The applicant does not propose any major amendments to the approved site plan (see Fig. 2). Overall, the property is generally subject to all requirements of the PC-2 zoning district and the Perimeter Center Overlay, with several exceptions that were granted through the SLUP process (SLUP 20-02).

The development includes a 2-story commercial building facing Ashford Dunwoody Road, with the 14-story age-restricted multifamily building facing Perimeter Center East. There is also a parking garage to the rear of the multi-family building and a small surface parking lot, which is completely interior to the site. This redevelopment prompts streetscape improvements, which include an 8-foot sidewalk and 16-feet of outdoor patio/dining along Ashford Dunwoody Road and a 6-foot sidewalk and 5-foot bike lane along Perimeter Center. The new streetscape will also include new planting buffers and street trees.

**SURROUNDING LAND ANALYSIS**

Direction	Zoning	Future Land Use	Current Land Use
N	C-1 & OCR	Perimeter Center	Commercial-Service Station
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;
- (2) Whether the zoning proposal 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;

- (4) Whether the zoning proposal will 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;
- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- (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 current proposal that is under review will remain the same as previous, with all previous conditions remaining the same, except for the removal of condition #25 which reads:

“As agreed by the developer at the March 8, 2021 City Council meeting, the land disturbance permit must be applied for within two years of the date of the zoning approval and must be issued within 30 months of the date of the zoning approval or the land use reverts to what is zoned currently.”

The previous zoning amendment, RZ 20-03, demonstrated that the proposed development is in conformity with the 2015-2035 Comprehensive Plan. The plan has since been updated to the 2020-2040 Comprehensive Plan. The proposed development, which includes street-fronting retail, senior housing, new sidewalks and bike lanes, and minimal surface parking all aligns with the goals of the current Comprehensive Plan and vision for the Perimeter Center which include high-quality design, mixed-use development, expanding options for aging-in-place, and reducing surface parking.

This project is aligned with the kind of redevelopment that is needed in the Perimeter Center, and is one of the very few properties in the area where the zoning and proposed development is reflective of the future goals for the Perimeter Center. Based on feedback from the applicant, the current proposed timeline is not feasible and allowing the zoning to revert to C-1 would be a step backwards for the Perimeter Center. The C-1 district is not conducive to implementing the goals of the Perimeter Center; the zoning regulations for the C-1 do not allow for adequate activity along the street, nor do they encourage the type of mixed-use redevelopment that is envisioned for the area. Additionally, the development is suitable in relation to nearby properties (which include retail, office, and multi-story housing), will not adversely impact these neighboring properties, will not impact an historic properties, and lastly will not cause an excessive burden or streets, utilities, or schools.

The current economic conditions, which began during the global COVID-19 pandemic, have complicated and extended timelines for financing and construction for many developers. The implementation of this condition would create further barriers for any future redevelopment on this site and impacts the economic use of the property. Overall, these conditions do prompt a reevaluation of this condition and staff finds the removal of the September 8, 2023 deadline to be appropriate.

**SPECIAL LAND USE PERMIT REVIEW AND APPROVAL CRITERIA**

Chapter 27, Section 27-359 identifies criteria for evaluating applications for special land use permits. No application for 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;

- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
  - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
  - 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;
  - 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;
  - 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;
  - 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
  - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- (5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
- (7) Whether adequate provision has been made for refuse and service areas; and
- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

The previously approved Special Land Use Permit, SLUP 20-02, included all the following requests:

1. **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%.
2. **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);
3. **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; and
4. **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.

Again, the applicant does not wish to amend these requests, which all remain as approved in March 2021. The applicant wishes to remove condition #25. The removal of this condition does not affect the compliance with the above criteria and appropriateness of the previously approved Special Land Use Permits.

#### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Based on the written findings above, staff recommends that the request for modification of the zoning and special land use permit conditions of cases RZ 20-03 & SLUP 20-02, to remove the condition of approval #25, 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 aboveground 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.
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.~~
- ~~26-25.~~ 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”.

[27.26.](#) 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.
- RZ 23-03 & SLUP 23-02 Application



STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2023-XX-XX**

**AN ORDINANCE TO AMEND THE 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 23-02 (84 PERIMETER CENTER E)**

**WHEREAS,** JSJ Perimeter Center LLC seeks a major modification to conditions of zoning of case RZ 20-03; 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 property is currently consisting of a one-story vacant building and a wooded lot 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 major modifications to the conditions of zoning 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 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;

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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 aboveground 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

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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. 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”.
- 26. 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.

**Commented [PL1]:** Can you add the previous condition and redline it out?

**SO ORDAINED AND EFFECTIVE**, this \_\_\_ day of \_\_\_\_\_, 2023.

Approved by:

\_\_\_\_\_  
Lynn P. Deutsch, Mayor

Attest:

Approved as to Form and Content

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

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

SEAL

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2023-XX-XX**

**AN ORDINANCE TO AMEND THE CONDITIONS OF ZONING OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 AND 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT SLUP 23-03 (84 PERIMETER CENTER EAST)**

**WHEREAS,** JSJ Perimeter Center LLC seeks a major modification to conditions of zoning of Special Land Use Permit case SLUP 20-02; 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 property is currently consisting of a one-story vacant building and a wooded lot 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 major modifications to the conditions of zoning 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 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;

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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 aboveground 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

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2023-XX-XX**

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. 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”.
- 26. 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.

**Commented [PL1]:** Can you add the condition and redline it out?

**SO ORDAINED AND EFFECTIVE**, this \_\_\_\_ day of \_\_\_\_\_, 2023.

Approved by:

\_\_\_\_\_  
Lynn P. Deutsch, Mayor

Attest:

Approved as to Form and Content

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

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

SEAL



Community Development

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

# AMENDMENT APPLICATION

### Applicant Information:

Company Name:	JSJ Perimeter LLC		
Contact Name:	John DiGiovanni		
Address:	2221 Peachtree Road, Suite D-338, Atlanta GA 30309		
Phone:	404-229-7271	Fax:	
Email:	johnd@tmgatl.com		
Pre-application conference date (required):			

### Owner Information: Check here if same as applicant

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

### Property Information:

Property Address:	84 Perimeter Center East	Parcel ID:	1834701013 & 1834701021 & 1834701028
Current Zoning Classification:			
Requested Zoning Classification:	Remove zoning condition #25		

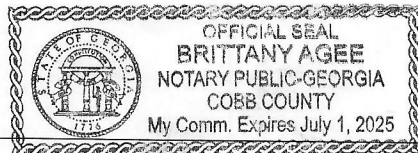
### Applicant Affidavit:

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:		
Applicant's Signature:		Date:

### Notary:

Sworn to and subscribed before me this	4	Day of	April	, 20	23
Notary Public:	Brittany Agee				
Signature:					
My Commission Expires:	7/1/25				



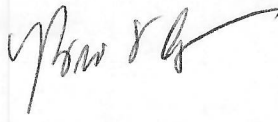
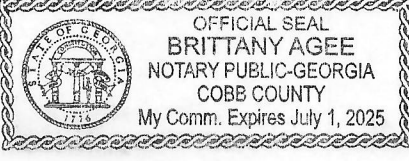
# Property Owner(s) Notarized Certification

### Community Development

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

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

#### Property Owner (If Applicable):

Owner Name: <u>JSJ Perimeter LLC</u>	
Signature: <u>John DiGiovanni, Manager</u>	Date: <u>4/04/2023</u>
Address: <u>2221 Peachtree Road, Suite D-338, Atlanta GA 30309</u>	
Phone: <u>404-229-7271</u>	Fax: _____ Email: _____
Sworn to and subscribed before me this <u>4</u> Day of <u>April</u> , 20 <u>23</u>	
Notary Public: 	

#### Property Owner (If Applicable):

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

#### Property Owner (If Applicable):

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





# Campaign Disclosure Ordinance

Community Development

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

Campaign Disclosure Ordinance

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

GA Citation/Title  
GA Code 36-67A-3, Disclosure of campaign contributions  
\*38069 Code, 36-67A-3

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

36-67A-3 Disclosure of campaign contributions.

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

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

*Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.*



# Campaign Disclosure Statement

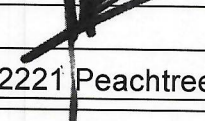
Community Development

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: 4/03/2023
Address: 2221 Peachtree Road, Suite D-338, Atlanta GA 30309	

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

Date	Government Official	Official Position	Description	Amount

# SPECIAL LAND USE PERMIT APPLICATION



Community Development

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

### Applicant Information:

Company Name:	JSJ Perimeter LLC		
Contact Name:	John DiGiovanni		
Address:	2221 Peachtree Road, Atlanta GA, 30309 Suite D-338,		
Phone: 404-229-7271	Fax:	Email:	johnd@tmgatl.com
Pre-application conference date (required):			

### Owner Information: Check here if same as applicant

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

### Property Information:

Property Address:	84 Perimeter Center East	Parcel ID:	1834701013 & 1834701021
Current Zoning Classification:	PC-2		1834701028
Requested Zoning Classification:	Remove zoning condition #25		

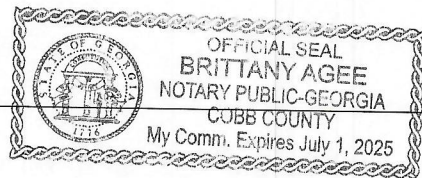
### Applicant Affidavit:

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:	John DiGiovanni		
Applicant's Signature:		Date:	

### Notary:

Sworn to and subscribed before me this	12	Day of	April	, 20	23
Notary Public:					
Signature:					
My Commission Expires:	July 1 2025				

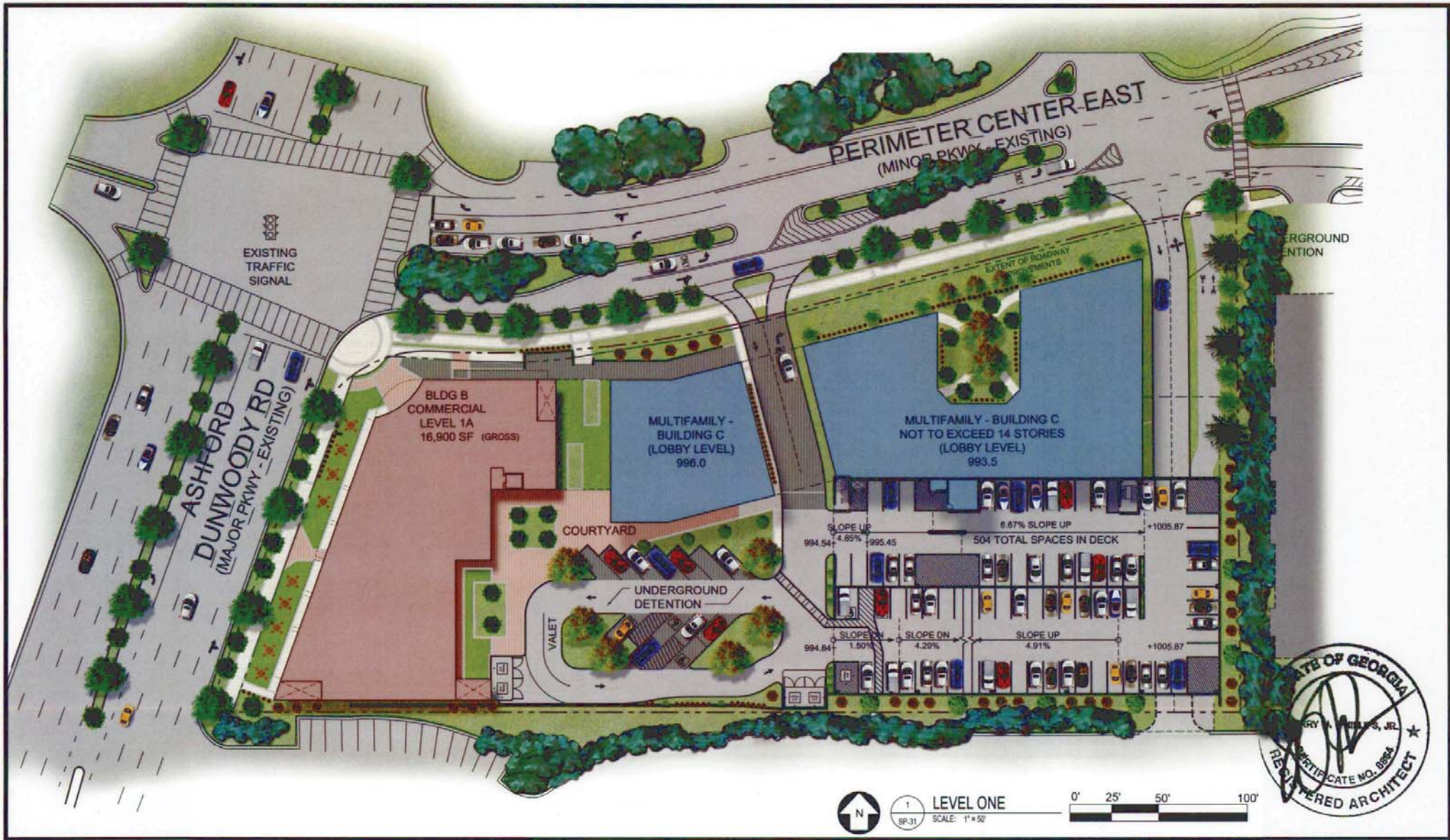


#### Explanation for zoning change - JSJ Perimeter LLC

- Name of Project: 84 Perimeter
- Current zoning: PC-2
- Total acreage of the project 2.87+/- acres
  - Parcel ID#
    - 18 347 01 013
    - 18 347 01 021
    - 18 347 01 028
- Explanation of intent of application:
  - Due to current negative financial and general market conditions, the applicant is requesting the removal of item #25 (shown below) as part of the current zoning approved on March 8, 2021. The current financial and general market conditions are not conducive to the project and thereby created delays in the ability of the applicant to meet the prescribed deadlines. Therefore, the timeframes expressed in zoning condition #25 pose a hardship to the applicant.
    - Zoning condition:  
25. As agreed by the developer at the March 8, 2021 City Council meeting, the land disturbance permit must be applied for within two years of the date of the zoning approval and must be issued within 30 months of the date of the zoning approval or the land use reverts to what is zoned currently.

**Zoning Criteria / Statement of Justification**

- a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; Page 6 of 13. **The requested proposal / deletion of #25 of the approved zoning condition will not affect the conformity to the comprehensive plan. The plan remains in compliance.**
- b. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; **Yes...there will be no change to the currently approved uses.**
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Current PC-2 zoning applies.**
- d. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **No...the removal of condition#25 will have no adverse effect to nearby properties.**
- 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; **Current economic conditions have severely impacted the financing of the project. Condition #25 establishing deadlines for commencement of site work provide a hardship for the ownership and cannot be currently met under such conditions.**
- f. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; **There will be no impact or adverse effects on historic buildings, sites, districts, or archaeological resources.**
- 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. **No...the removal of condition #25 will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

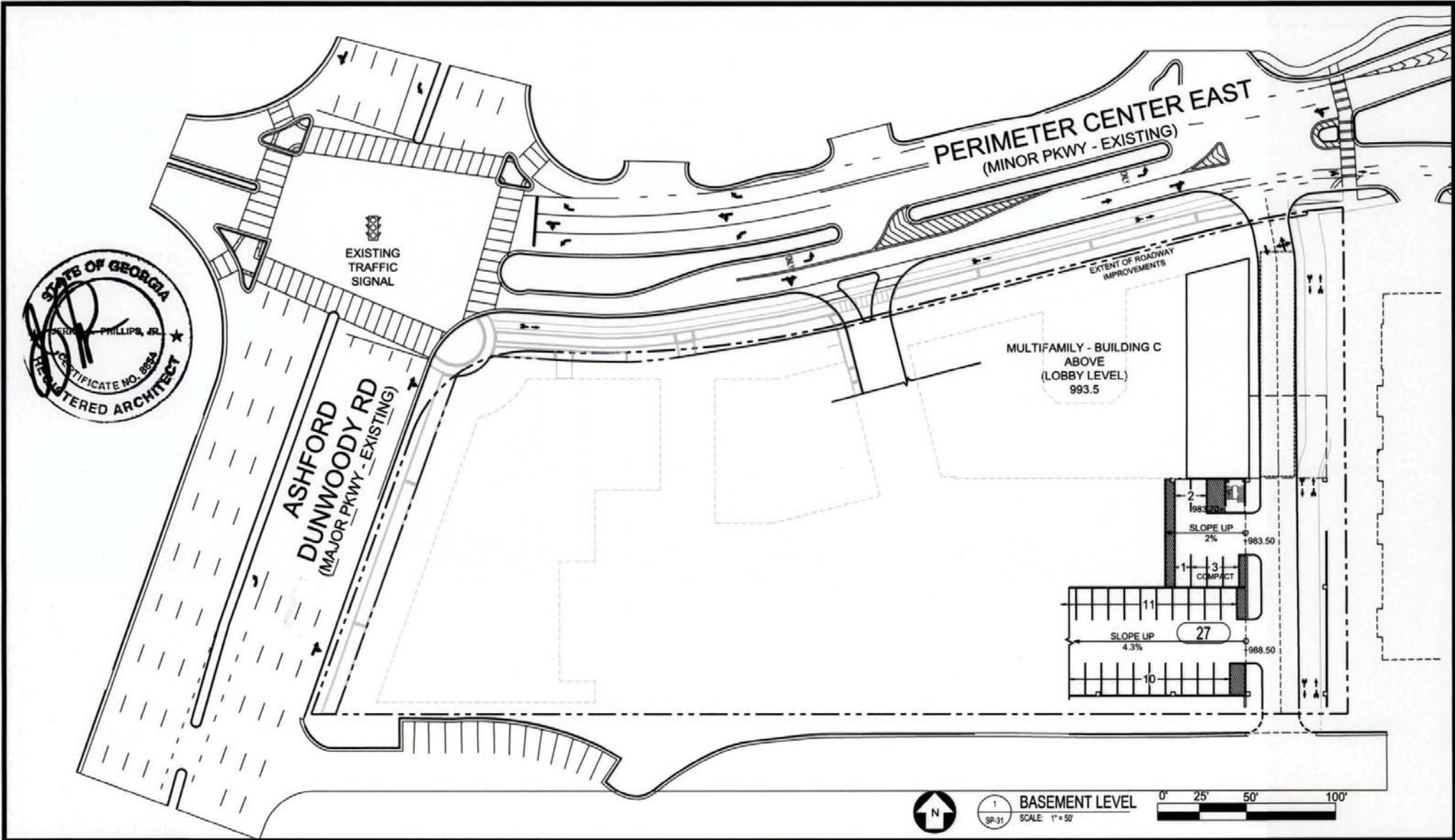


**84**  
PERIMETER

**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



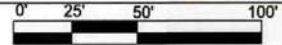
**84**  
PERIMETER

**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)



**BASEMENT LEVEL**  
SCALE: 1" = 50'



**PHILLIPS**  
ARCHITECTURE · CONSULTANTS

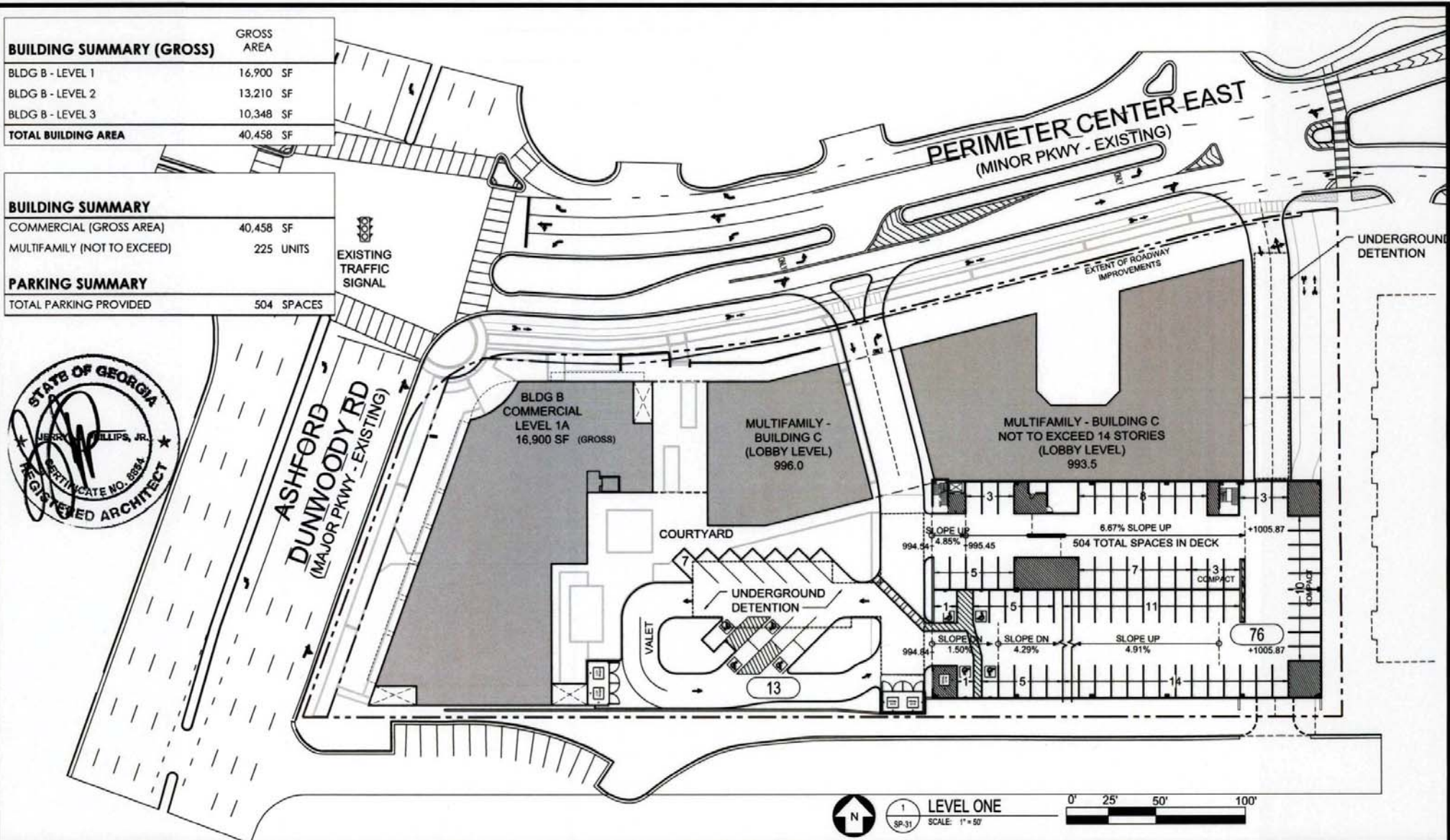
5901 PEACHTREE DUNWOODY RD. · SUITE A450 · ATLANTA, GA 30328 · 770.394.1616

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
<b>TOTAL BUILDING AREA</b>	<b>40,458 SF</b>

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

PARKING SUMMARY	
TOTAL PARKING PROVIDED	504 SPACES



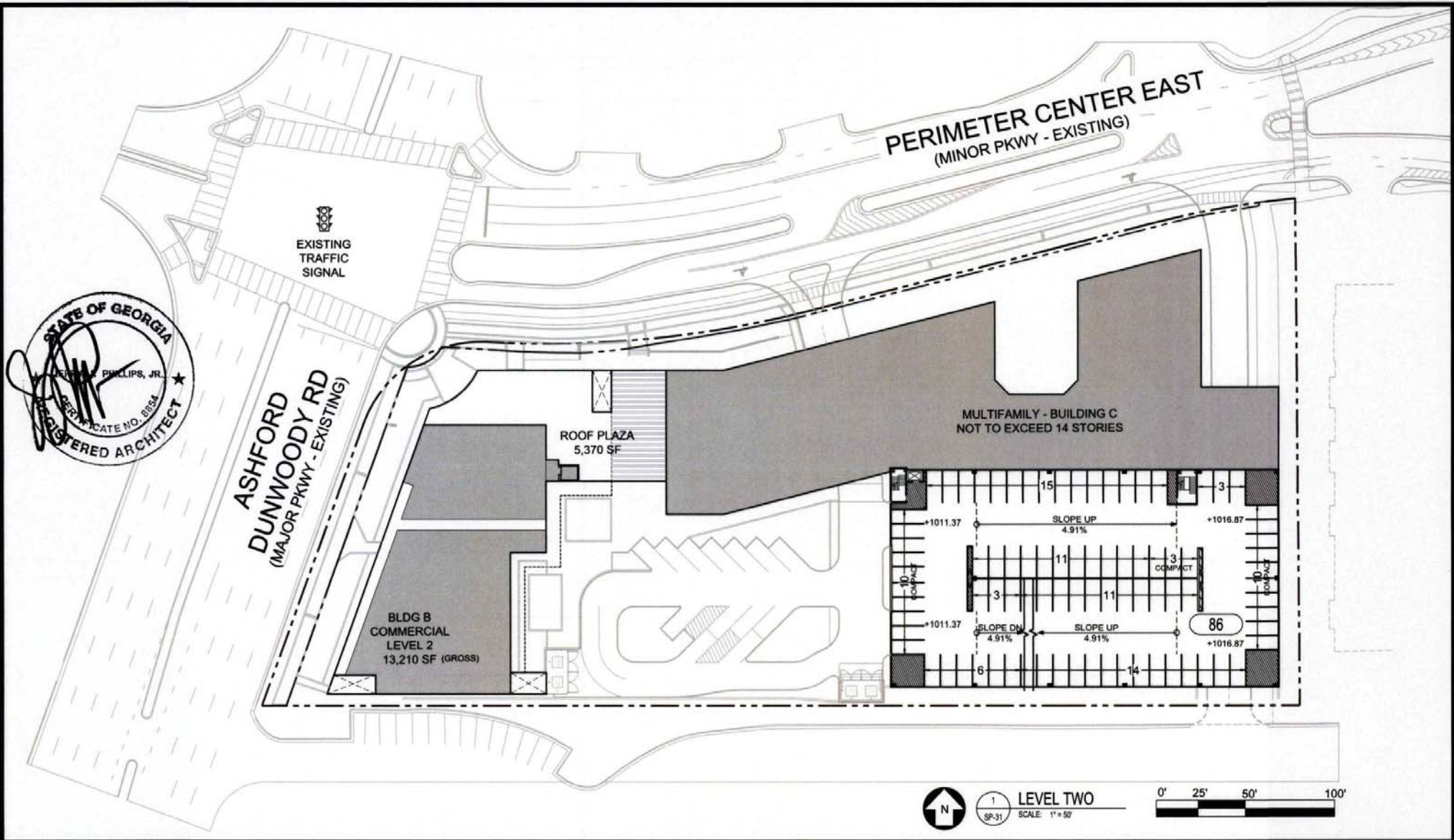
**84**  
PERIMETER

**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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**84**  
PERIMETER

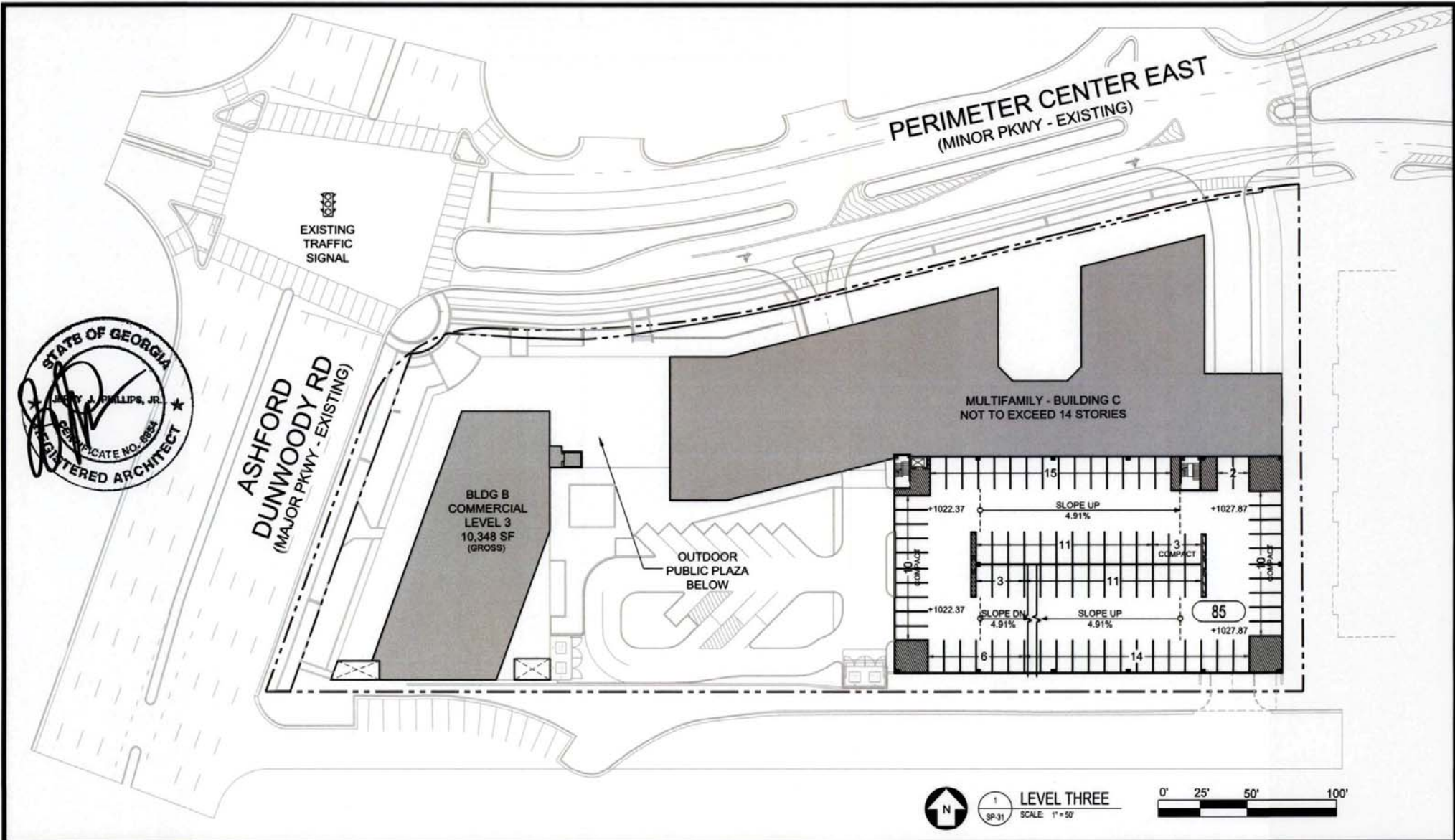
**84 PERIMETER**  
DUNWOODY, GA

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



**PHILLIPS**  
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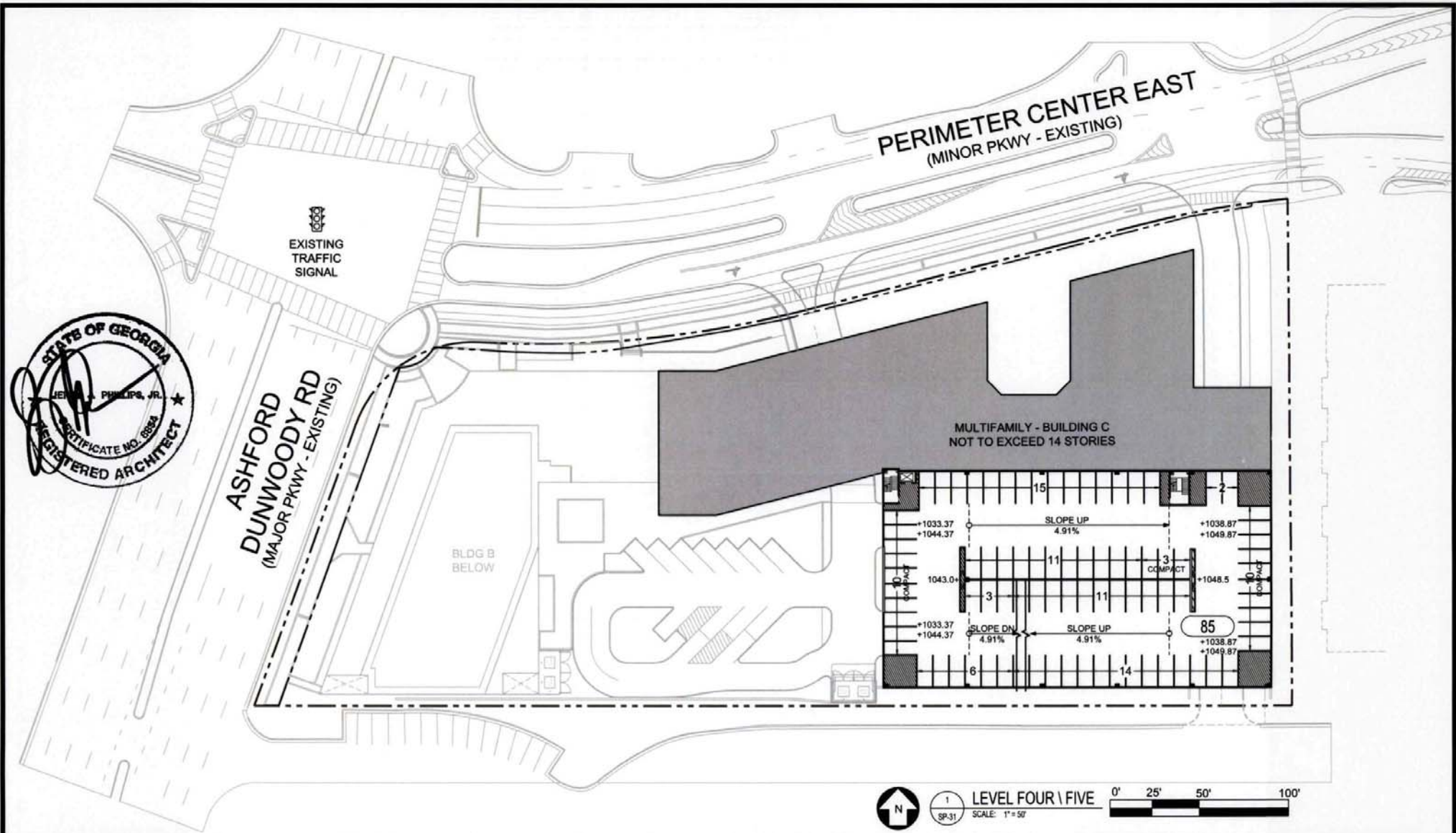



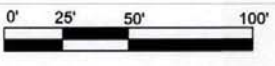
**84**  
PERIMETER

**84 PERIMETER**  
DUNWOODY, GA

JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF  
DRAWING: LEVEL 3  
MULTIFAMILY CONCEPT SKETCH  
(SP-31)

**PHILLIPS**  
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 LEVEL FOUR | FIVE  
 SP-31 SCALE: 1" = 50'

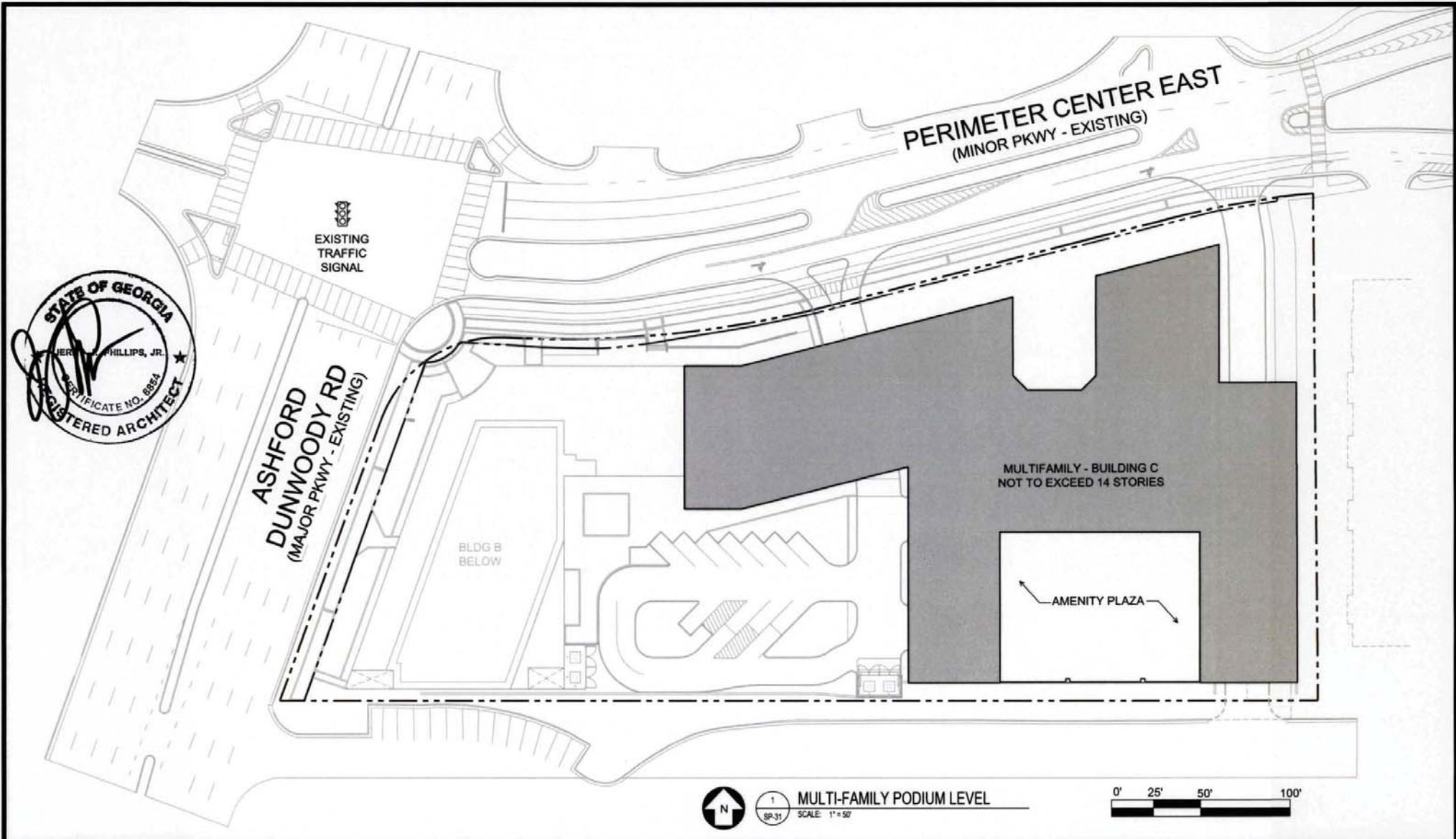
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PERIMETER

**84 PERIMETER**  
DUNWOODY, GA

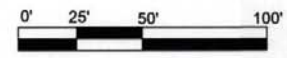
JOB NUMBER: 1869901 | DATE: 2021-02-17 | BY: EMP/MRE/RWF  
 DRAWING: LEVEL 4 & 5  
 MULTIFAMILY CONCEPT SKETCH  
 (SP-31)



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1 MULTI-FAMILY PODIUM LEVEL  
 SP-31 SCALE: 1" = 50'

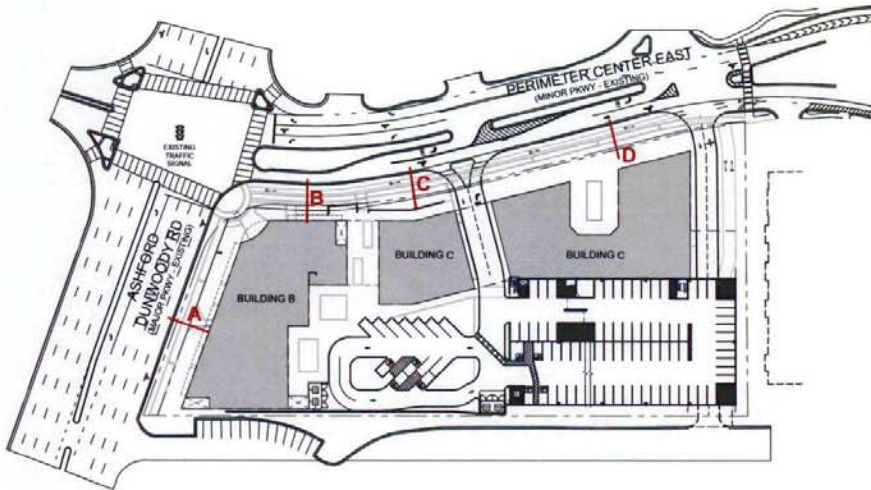


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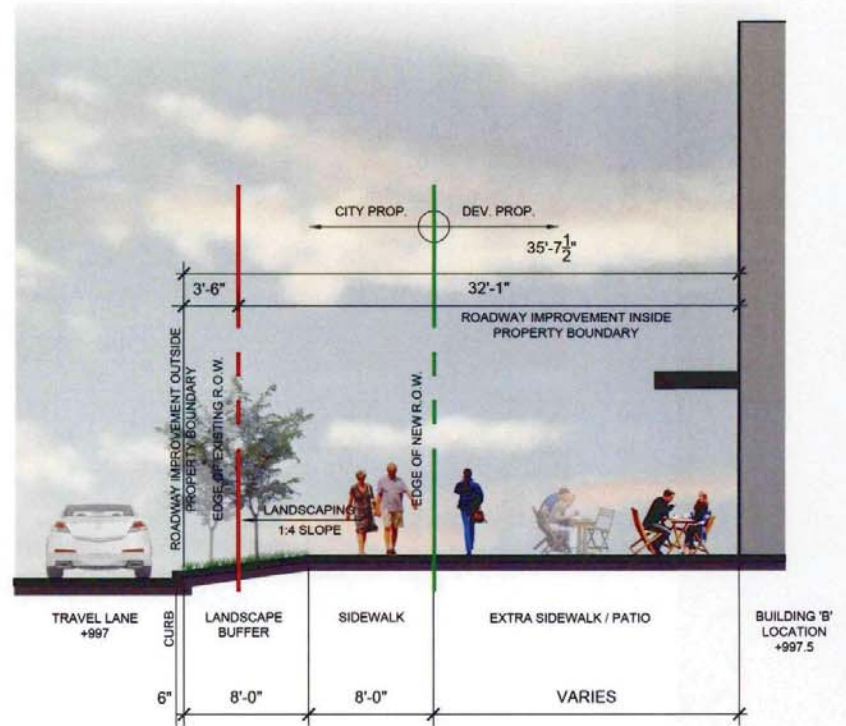
**84 PERIMETER**  
 DUNWOODY, GA

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



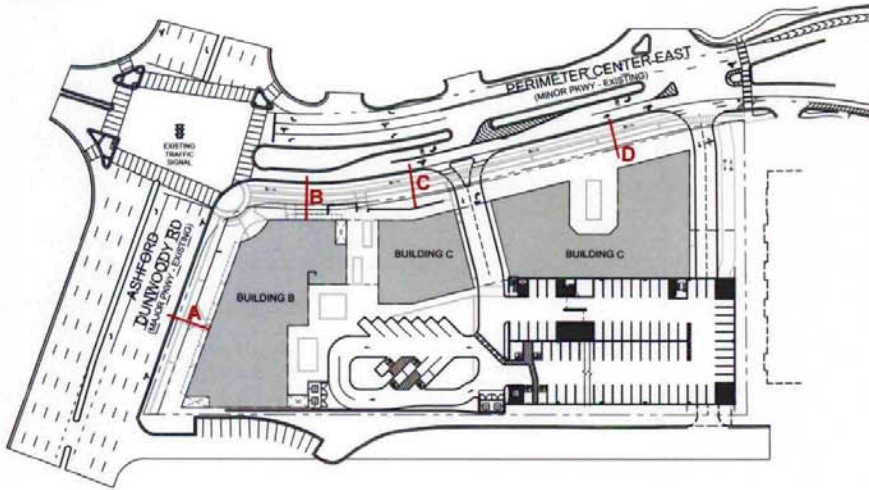
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 SP-31 SCALE: 1/8" = 1'-0"

**84**  
 PERIMETER

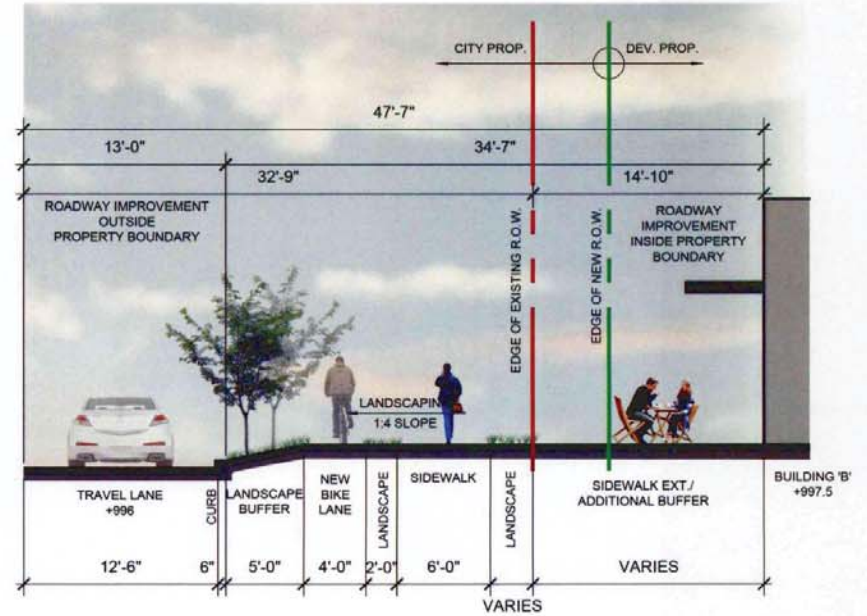
**84 PERIMETER**  
 DUNWOODY, GA

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

**PHILLIPS**  
 ARCHITECTURE · CONSULTANTS  
 5901 PEACHTREE DUNWOODY RD. · SUITE A450 · ATLANTA, GA 30328 · 770.394.1618



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



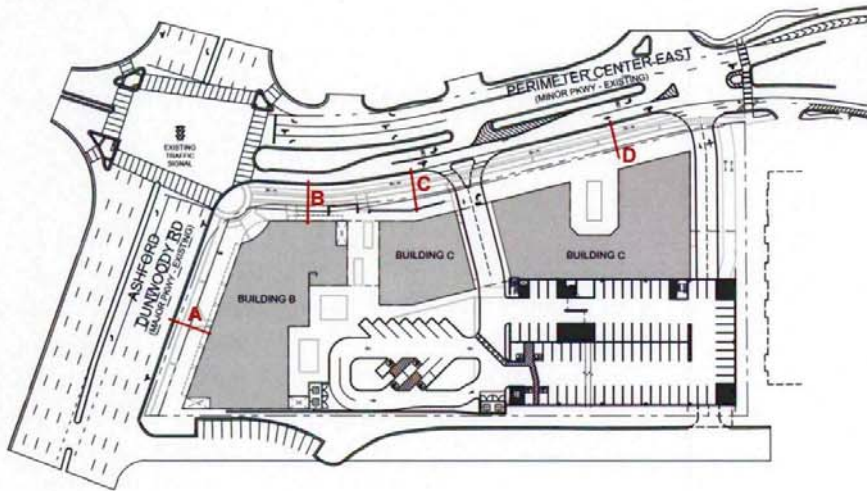
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 SP-31 SCALE: 1/8" = 1'-0"

**84**  
 PERIMETER

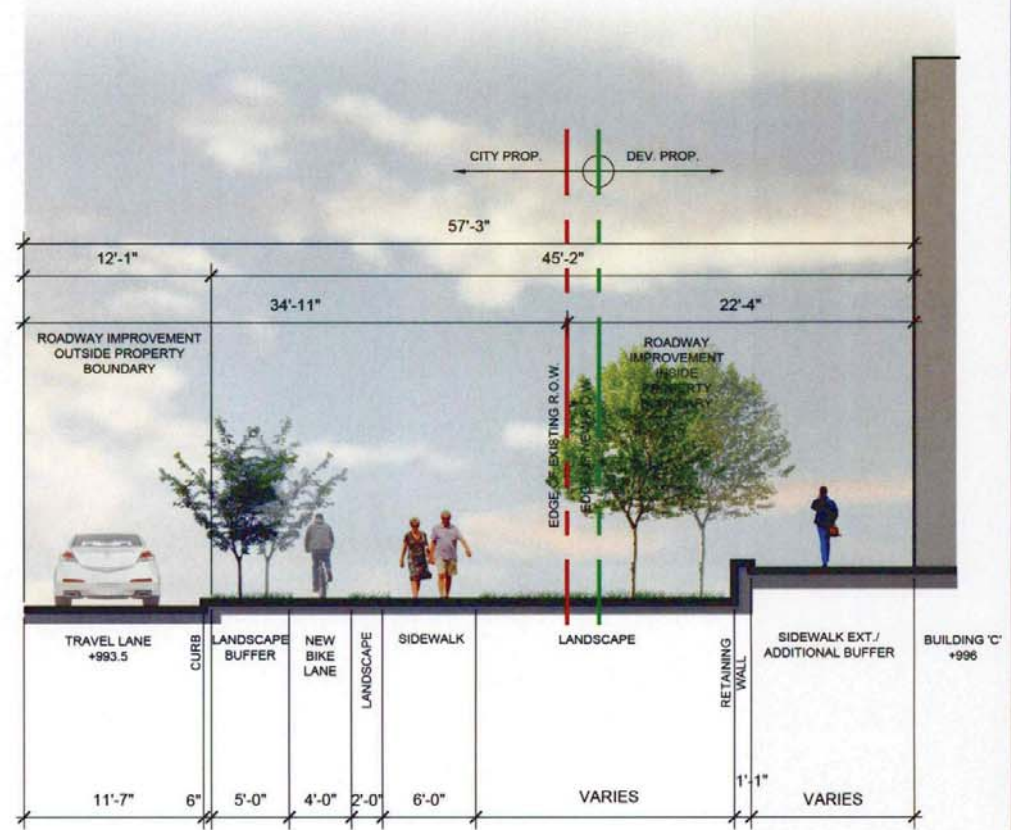
**84 PERIMETER**  
 DUNWOODY, GA

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

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



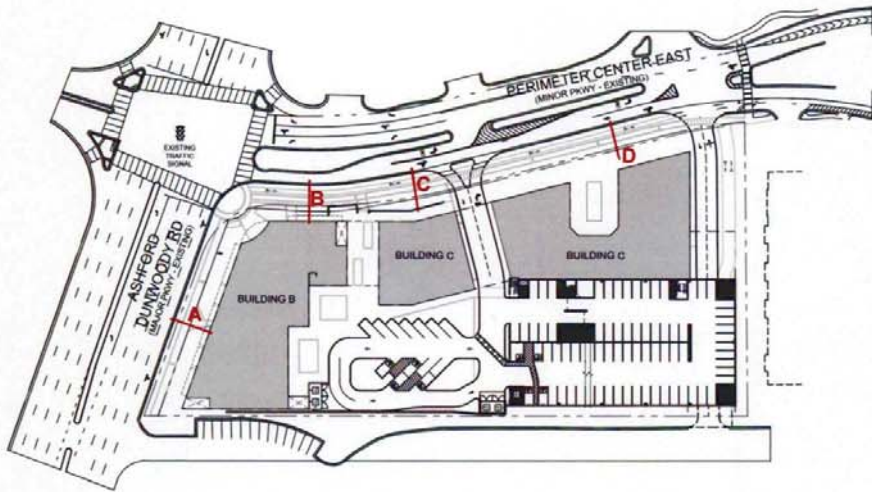
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 SCALE: 1/8" = 1'-0"

**84**  
 PERIMETER

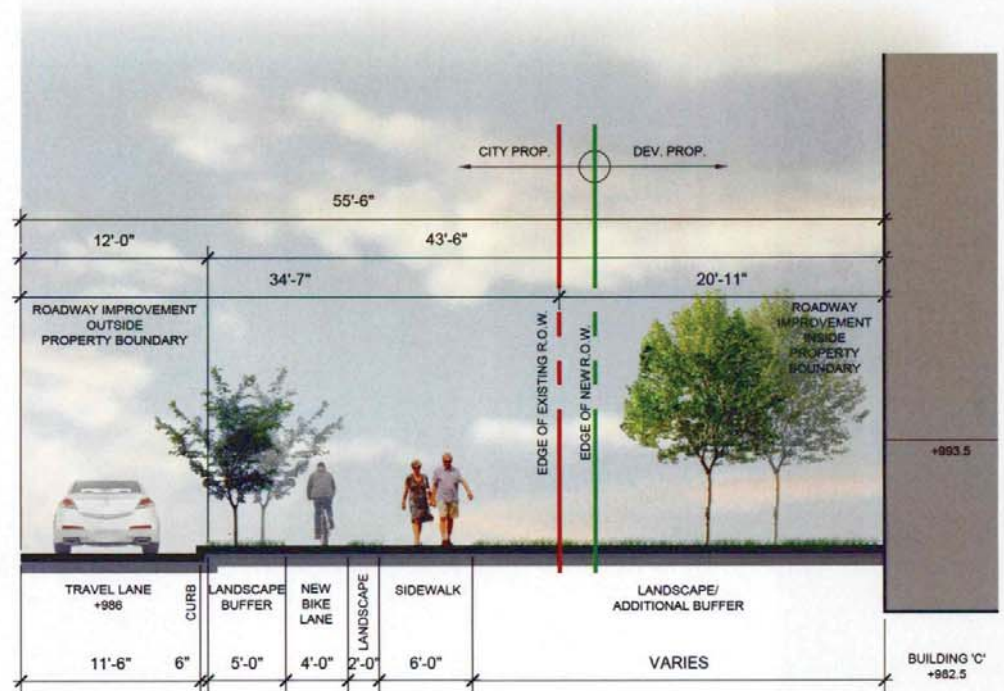
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 DUNWOODY, GA

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

**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. [UPDATED 10/05/20]



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

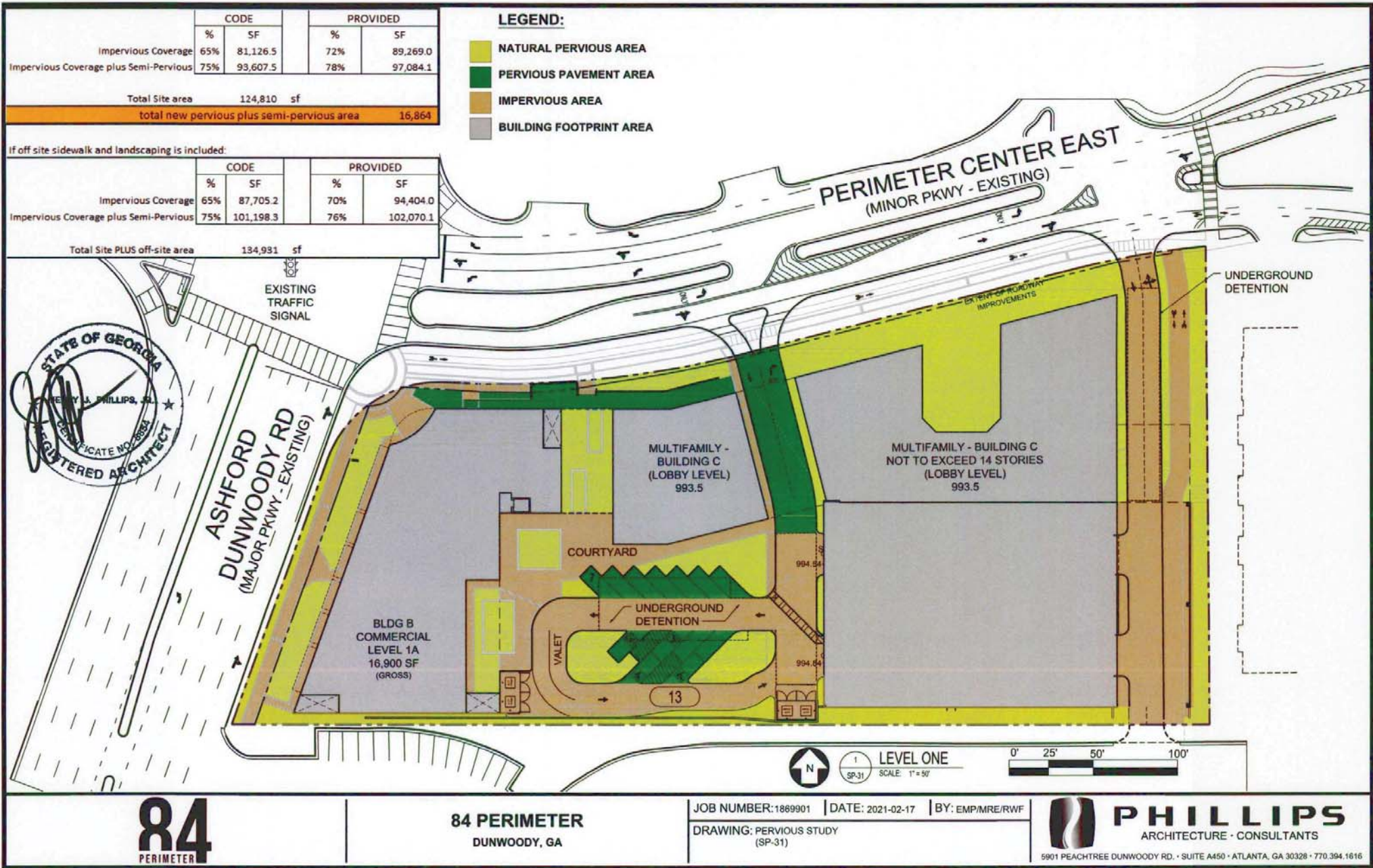
**84**  
PERIMETER

**84 PERIMETER**  
DUNWOODY, GA

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

**PHILLIPS**  
 ARCHITECTURE · CONSULTANTS  
 5901 PEACHTREE DUNWOODY RD. · SUITE A450 · ATLANTA, GA 30328 · 770.394.1616







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

1 WEST ELEVATION - ASHFORD DUNWOODY RD. FACADE  
 RA-4.1 SCALE: 3/8" = 1'-0"



RESIDENTIAL BALCONY (TYP.)

2 NORTH ELEVATION - PERIMETER CENTER EAST FACADE  
 RA-4.1 SCALE: 3/8" = 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

PRELIMINARY (SUBJECT TO CHANGE)



**PHILLIPS**  
 CONSULTANT

ISSUE & REVISION RECORD

#	DATE	DESCRIPTION

PROJECT:

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**84 PERIMETER**  
 DUNWOODY, GA

CLIENT

**84 PERIMETER**

PHILLIPS JOB NUMBER: 108801  
 ISSUE DATE: 02/17/21  
 DRAWN BY/CHECKED BY: EMP/RF  
 DRAWING TITLE: BLDG. B ELEVATIONS

SHEET NUMBER

**RA-4.1**

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

# 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]

# 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:

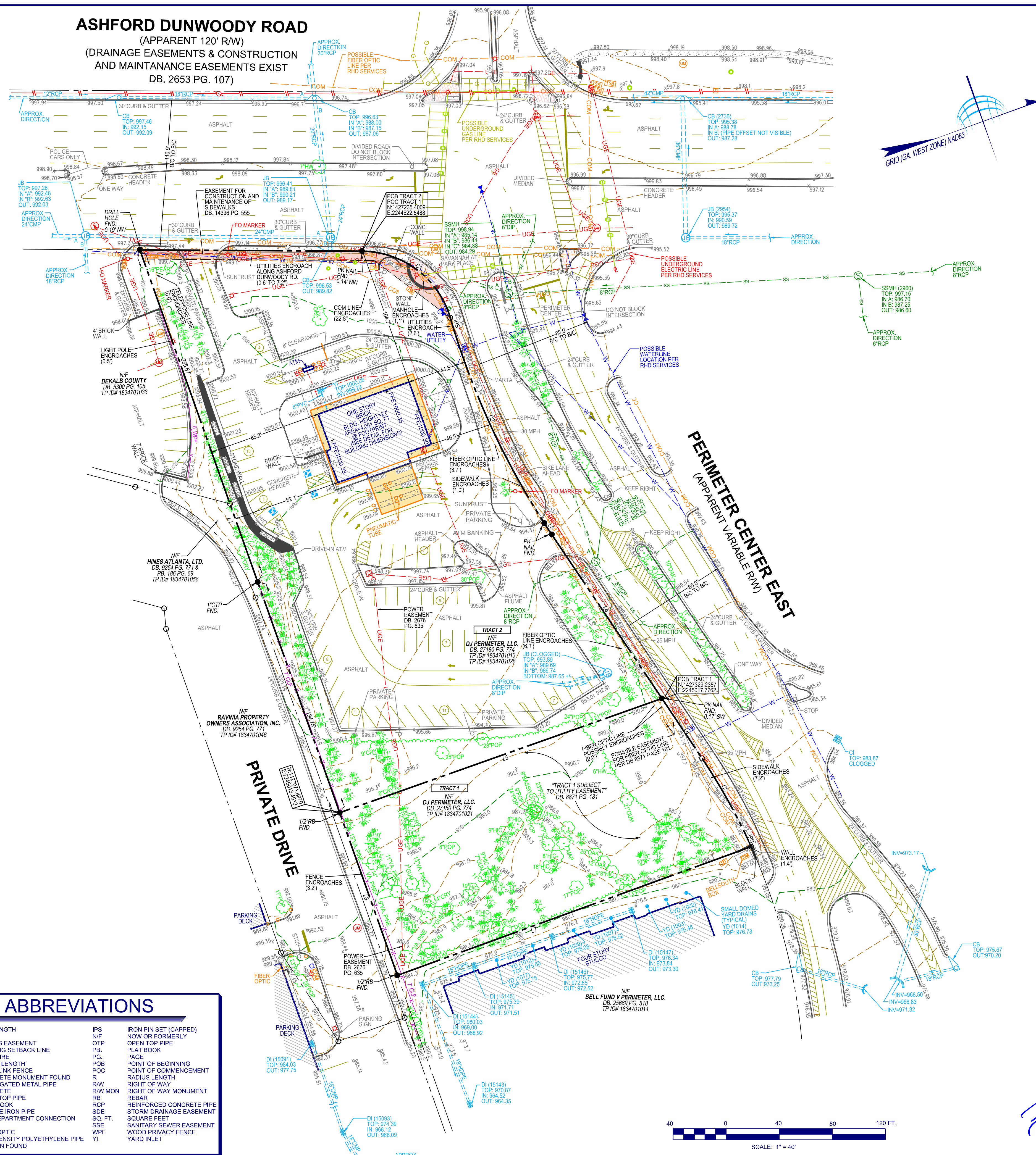
**BEGINNING** at the intersection of the easterly Right-of-Way Line of Ashford Dunwoody Road (having an apparent 120' Right-of-Way width) and the southerly Right-Of-Way Line of Perimeter Center East (having an apparent variable Right-of-Way width); thence, leaving the said POINT OF BEGINNING as thus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



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



**TREE LEGEND  
(ABBREVIATIONS)**

DECIDUOUS (TREE)	BIR	BIRCH	HLY	HOLLY
CONIFEROUS (TREE)	BCH	BEECH	HW	HARDWOOD
	CM	CRAPE MYRTLE	MAG	MAGNOLIA
	CHY	CHERRY	MAP	MAPLE
	CYP	CYPRESS	OAK	OAK
	FIR	FIR	ORN	ORNAMENTAL
	GINGKO	GINGKO	PEAR	PEAR
	GUM	SWEET GUM	POP	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.
<b>TOTAL AREA</b>	<b>124,819 SQ.FT. OR 2.8654 AC.</b>

UNDERGROUND UTILITY MARKINGS SHOWN PER REFERENCE #4 AND HAVE NOT BEEN RELOCATED AS OF THIS SURVEY

**LEGEND**

	CURB AND GUTTER (C&G)
	FENCE
	HANDRAIL
	STORM DRAIN LINE
	SANITARY SEWER
	WATER LINE
	GAS LINE
	UNDERGROUND POWER LINE
	OVERHEAD POWER LINE
	COMMUNICATION
	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
	BARBED WIRE
	SPOT ELEVATION
	CONCRETE AREA
	CORRUGATED METAL PIPE
	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	BARBED 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	RW	RIGHT OF WAY
CONC.	CONCRETE	RW/MON	RIGHT OF WAY MONUMENT
CTP	CRIMP TOP PIPE	RB	REBAR
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
FO	FIBER OPTIC	WPF	WOOD PRIVACY FENCE
HDPE	HIGH DENSITY POLYETHYLENE PIPE	YI	YARD INLET
IPF	IRON PIN FOUND		

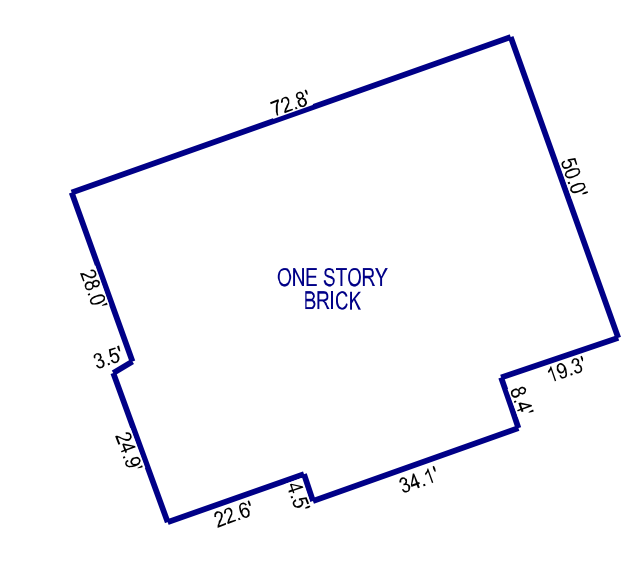
**LINE TABLE**

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°02'36" 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 Street, N.E.  
Atlanta, Georgia 30306  
Phone No. (770) 421-1827  
Fax No. (770) 421-0552  
www.TerraMark.com  
Professional Land Surveying C. O. A. #LSF00870

Project No.	201910203	No.	1	Date
Survey Crew	JK	F1		
Drawn By	NEC	F2		
Approved By	PBC	F3		
Date	08/30/19	F4		
Scale	1"=40'	F5		
		F6		
		F7		
		F8		
		F9		
		F10		

**ALTAIANS 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.  
**2/2**  
DRAWING# TM 19 083