

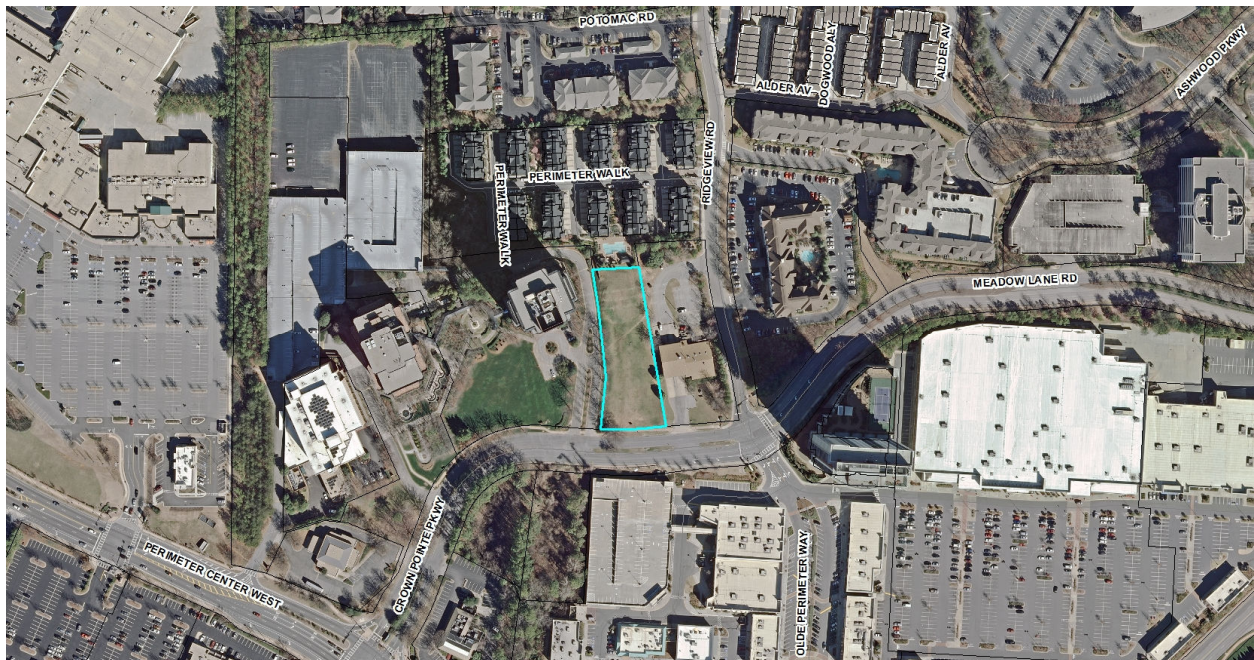
MEMORANDUM

To: Mayor and Council

From: Steve Foote, AICP

Date: July 28, 2014

Subject: **RZ 14-061:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, Marian C. Adeimy, on behalf of NitNeil Partners, LLC, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Distribution (O-D) to allow for a change of previously approved use. The subject property is located at 1274 Crown Pointe Parkway, Dunwoody, GA 30338. The tax parcel is 18 349 01 003.



BACKGROUND

The site is located on the northern side of Perimeter Center West, along Crown Pointe Parkway, west of its intersection with Olde Perimeter Way. The property is currently zoned O-Ic (Office-Institution conditional District), with the following entitlements:

- Six (6)-story, 120-room hotel and two (2)-level parking deck

Pursuant to the City of Dunwoody Zoning Ordinance, applicant, Marian C. Adeimy seeks permission on behalf of NitNeil Partners, LLC to rezone the property currently zoned Office-Institution Conditional (O-Ic) to Office-Distribution (O-D) to allow for a change of previously approved use. The property consists of approximately 1.019 acres of land, located at 1274 Crown Pointe Parkway, Dunwoody, Georgia 30338. According to the conceptual site plan dated July 23, 2014, the applicant proposes to construct a four (4)-story self-storage

facility, totaling 80,872 square feet of gross floor area—only 61,527 square feet of which is net rentable unit and office space. The site will also include 8 parking and 2 loading spaces in an 8,250 square foot parking garage on the first level, and 3 additional parking spaces adjacent to the western side of the building.

Based on comments and concerns received at the City Council's First Read on June 9, 2014, the applicant has revised the proposed site plan, and other applicable documents, to reflect the changes discussed herein. The conditions of approval have also been modified as necessary and the changes are incorporated into the proposed Ordinance for Second Reading.

Because special land use permits and variances run with the land and are not affected by changes in tenancy or ownership, the applicant does not need to seek new requests for a change in building height to four (4)-stories or reduction in front and side yard setbacks as previously approved by DeKalb County.

Direction	Zoning	Use	Current Land Use
N	ORC	Residential	Attached Single-Family Residential
S	ORC	Commercial	Retail
E	O-I	Institutional	Emergency Services-Fire Station
W	O-I	Commercial	Office

ANALYSIS

O-D District Analysis

The nonresidential and mixed-use zoning districts are generally intended to promote consistency with the comprehensive plan and provide opportunities for shopping, employment, entertainment and living. The primary purpose of the Office-Distribution (O-D district), more specifically, is to provide convenient locations for office and distribution establishments. The types of commercial uses permitted by right include: communication services (i.e. telecommunication towers or radio and television broadcasting stations), financial institutions, lodging, office buildings, medical offices/clinics, research and testing services, participant sports and recreation facilities, and warehousing and storage.

Comprehensive Plan Analysis

The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas'. The subject parcel is located in the 'Perimeter Center Character Area,' summarized on the attached excerpt from the Comprehensive Plan. The intent of this area is to create a "livable" regional center with first-class office, retail, and high-end restaurants in a pedestrian- and bicycle-oriented environment that serves as a regional example of high quality design standards. The Perimeter Center Character Area is divided into three distinct sub-areas—transitional, high-density, and transit village—in order to guide development and design standards effectively as the commercial center moves towards residential

neighborhoods. Because the subject property is located just outside the boundary of the Perimeter Community Improvement District (PCID), it should demonstrate conformance with the development principles of the transitional sub-area—limiting new construction to low and medium density, encouraging usable open space, and creating buffers between intense uses.

Site Plan Analysis

The site -zoned O-Ic- is currently vacant and comprises approximately 1.019 acres of land. The property is generally flat, but slopes upwards toward the northern property line. Besides the mature trees lining the private drive between the subject parcel and the adjoining office building, there is no landscaping currently in existence.

According to the conceptual site plan revised July 23, 2014, the applicant proposes to construct a four (4)-story, 80,872 square foot self-storage facility. While the third and fourth floors of the building will contain 24,343 square feet of unit space, the first and second floors will contain only 16,093 square feet because an 8,250 square foot parking garage is accessible in the middle of the building. There will be 10 parking spaces located in the parking garage and 3 additional spaces at the architectural front of the building.

The City of Dunwoody's parking regulations do not specify the appropriate off-street parking ratio for self-storage warehouses. As a result, pursuant to Section 27-203(5), the community development director is authorized to establish a minimum off-street parking requirement for the proposed use in accordance with subsection (6)—

"Such ratios may be established on the basis of a similar use/parking determination (as described in subsection (5)), on parking data provided by the applicant or information otherwise available to the community development director. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location."

Based on research the applicant compiled from surrounding jurisdictions national parking data from the *Self-Storage Almanac*, and the Institute of Transportation Engineers' Trip Generation Manual, 12 to 13 parking spaces is sufficient for the proposed self-storage use on the subject property. Staff will use this information to determine a parking requirement for self-storage or forward the request to the Zoning Board of Appeals for approval.

The facility will be comprised of 536 storage units and a 777 square foot office. The developer has provided the following breakdown (below) of rental unit sizes per floor. Making up the majority of the units are 10'x10' and 10'x15'—to be exact, 31 percent will be 100 square feet and 21 percent will be 150 square feet. The revised layout of the building has eliminated the possibility of 10'x30' units, and 10'x25' units have been limited to a total of 6, or 1 percent. Because the site is not designed to accommodate commercial moving vans (i.e. tractor trailers), staff supports the developer's unit distribution, as it will help control undesirable traffic congestion on the site/entrance driveway.

Dunwoody Self Storage

Stinard Architecture, Inc.
7/23/2014

SF per Unit		25	50	75	100	150	200	250	300	
Conditioned Storage:										
1st Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		2	17	3	21	17	24	3	0	87 Total Units
Total SF	16,093	50	850	225	2,100	2,550	4,800	750	0	11,325 Net Rentable
2nd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		4	13	3	26	19	27	3	0	95 Total Units
Total SF	16,093	100	650	225	2,600	2,850	5,400	750	0	12,575 Net Rentable
3rd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
4th Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
Total	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
		18	64	96	165	110	77	6	0	536 Total Units
Total SF	80,872	450	3,200	7,200	16,500	16,500	15,400	1,500	0	60,750 Net Rentable
% Units		3%	12%	18%	31%	21%	14%	1%	0%	100%

113 Ave SF/Unit
75% Efficiency

Office SF 777 SF
Parking area on 1st and 2nd floors are not included in the SF
Note: Unit sizes indicated are nominal, and are subject to variation.

The conceptual landscape plan revised July 23, 2014 shows that the applicant proposes to keep four of the existing street trees along the private drive—having to remove the others for the impending curb-cut. While landscaping has been proposed throughout the site, in order to alleviate any negative impacts associated with the proposed use and the adjoining condominium complex, the applicant proposes to plant a landscape buffer along the rear property line—containing 10 to 12-foot Cryptomeria and a mix of other plants and shrubs. Along the Crown Pointe Parkway street frontage, the landscape plan also suggests installing street furniture at the back side of the sidewalk, and a pedestrian light pole and “Share the Road” sign to help increase public safety. Rather than comply with the PCID streetscaping standards, the developer intends to maintain the existing sidewalk so as to be consistent with the surrounding area and not install street trees due to existing utilities and grade changes. The developer will, however, plant trees and shrubs and install furniture on the back side of the sidewalk, along the property line.

Lastly, the exterior elevations dated July 18, 2014 suggest the use of high quality building materials—showing brick veneer, colored CMU split-face block, and colored metal panels—similar to that of Perimeter Place Shopping Center located to the south.

Conditions of the Zoning Ordinance

Chapter 27, §27-335 identifies the following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map by the planning department, Boards, Commissions, and Councils. These criteria are enumerated and analyzed as follows:

- Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
The Comprehensive Plan is a living document that is created from public input and sentiment; it lays out the community's vision for how to grow and develop today and in the future. The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas.' While the subject parcel is located in the 'Perimeter Center Character Area,' which envisions a "livable" regional center that is a walkable, high-end, mixed-use environment, the property is, more specifically, in the transitional sub-area.

Therefore, the appropriate use should be low to medium density so as to establish a buffer between intense, high-density uses and single-family communities.

Unless accompanied by exceptional buffering and/or usable open space provisions, the City of Dunwoody considers density in the transitional area to be no greater than 4-8 units to the acre and commercial to be very low intensity (under 20,000 square feet). This is not consistent with the applicant's request, however, which is proposing a 4-story, 80,872 square foot (gross) self-storage facility on 1.019 acres. That being established, industry standards for parking at self-storage properties allude to sporadic customer use, which makes the facility a less intense use than other commercial/retail possibilities.

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

The proposed use has the ability to provide services to not only the tenants of nearby multi-family residential complexes but also restaurant and retail owners in the Perimeter Place Shopping Center, local office buildings, and the neighboring fire station.

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

Even though the 1.019 acre lot is currently vacant, the property does have some economic use as currently zoned due to the existing entitlement for a 6-story hotel.

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

It is not anticipated that the proposal will have an adverse effect on the adjacent or nearby properties. As suggested at the Community Council meeting in April, the facility's leasing office will be open during typical business hours, from 9:30 a.m. to 6:00 p.m., Monday through Friday; however, the majority of operations will take place after hours, as the facility will be open to tenants from 6:00 a.m. to 10:00 or 11:00 p.m., and on Saturdays. The neighboring property most affected by the proposed change in use is the condominium complex to the north, whose clubhouse and swimming pool exist along the rear property line. To help mitigate any noise or other impacts, the applicant proposes to plant a landscaping buffer with approximately ten 10 to 12-foot tall Cryptomeria and a mix of other plants and bushes.

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

The conditions of the PCID transitional sub-area call for new construction to be low and medium density so as to create buffers between intense uses. The request is consistent with this goal. Additionally, the character and quality of the proposed development is better aligned with the recommendations of the Comprehensive Plan than the previous entitlement—the proposal offers a shorter building height, high-quality materials, and less vehicular trips from impending customers.

6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
Staff cannot identify nor is aware of any such historic buildings, sites, districts, or archaeological resources in the area.
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 existing street and utility infrastructure is expected to be adequate to service the proposed self-storage facility while continuing to serve the continued uses around the site. Additionally, there will be no school-aged children generated as a consequence of this development.

RECOMMENDATION

Community Council

At their regular April meeting, the Community Council heard the applicant's request to rezone the property from O-Ic to O-D for a self-storage facility. After much discussion with the applicant related to the proposed use of the subject property, a motion was made to recommend approval of the request. The motion was voted and passed (4 – 0). Tony Delmichi abstained.

Planning Commission

On May 13, 2014, the Planning Commission reviewed the item and made a motion to recommend approval of the rezoning request with proposed conditions from the applicant. The motion passed 4 - 3 votes. Bob Dallas, Bill Grossman, and Paul Player were the dissenting votes.

Staff Recommendation

Based on the above analysis and findings, staff has determined that the requested amendments to the official zoning map meet the requirements of Chapter 27, §27-335. Therefore, staff recommends the application be **approved** and the rezoning of this property shall consist of the following Exhibits:

Exhibit A: Includes plan sheets C001, Conceptual Site Plan, and L001, Conceptual Landscape Plan produced by Wolverton & Associates, last revised on July 23, 2014.

Exhibit B: Includes plan sheets A1.1, Building Elevations (including color renderings), and A1.2 and A1.3 Floor Plan produced by Stinard Architecture Inc., dated July 18, 2014 and April 16, 2014 respectively.

Development of the site shall be substantially consistent with the above Exhibits, Zoning Ordinance, and the following conditions:

1. Developer shall develop the ± 1.019 acre undeveloped portion of the Subject Property substantially as depicted in the above Exhibits, copies of which are attached hereto and incorporated herein by reference.
2. Subject to review and approval by the Community Development Director, Developer shall landscape the undeveloped portion of the Subject Property in general compliance with the conceptual landscape plans submitted with this

- zoning request, a copy of which is attached hereto and incorporated herein by reference, and the Zoning Ordinance. The final Landscape Plan shall comply with the Perimeter Community Improvement District standards for landscaping along the property frontage, except that the existing sidewalk is to remain in place and kept at its current width, with new trees planted behind the existing sidewalk, due to existing site limitations.
3. A minimum of four (4) of the existing seven (7) oak trees along the private entrance driveway shall be preserved and protected during construction. Any such tree that is significantly damaged, destroyed, or dies as a result of construction shall be replaced with a minimum four (4) inch caliper tree of a similar species. The remaining existing oak trees approved for removal shall be replaced with a minimum of three (3) trees, each a minimum three (3) inch caliper in size and be of oak or other species.
 4. The hours of operation for the personal storage facility for customer access shall be from 7:00 a.m. to 11:00 p.m., except where specifically applied for and approved by the storage operator, for business customers only.
 5. The total gross floor area (GFA) of the development for the \pm 1.019 acre undeveloped portion of the Subject Property shall not exceed 82,000 square feet of enclosed building space and shall be limited to use as a self-storage warehouse use and accessory office use, as further described in the Rezoning Application and site plan attached hereto and incorporated herein by reference. Further, the height of the development shall be limited to four stories.
 6. Developer shall follow the 2007 Perimeter CID Public Standards for "Avenues" for all signs and lighting it installs in the public right-of-way.
 7. Developer will provide street furniture to include one bench and one trash and recycling receptacle along its property frontage along Crown Pointe Parkway per PCID standards, to be maintained and emptied by the property owner and be located behind the existing sidewalk instead of in the PCID's designated "furniture zone", due to existing site limitations.
 8. During construction of the \pm 1.019 acre undeveloped portion of the Subject Property, portions of the \pm 1.019 acre undeveloped area on the Subject Property that are not being developed or used for staging areas will be landscaped and maintained in an aesthetically pleasing manner.
 9. Neon, gas, flashing, animated, sound emitting or rotating signs are prohibited. A majority of outdoor lighting shall be contained in adjustable wall pack fixtures mounted on the building and angled downward, shielded from the adjacent residential and fire station properties.
 10. Developer will plant and landscape a staggered row of ten (10), 10-12 foot evergreen trees for screening purposes at the rear, northern boundary of the undeveloped portion of the Subject Property, using some combination of the following: Cryptomeria, Nellie R. Stevens (Holly), and Magnolia, and in compliance with the City of Dunwoody's Zoning and Land Development Ordinances, whichever is more stringent. It is understood that, for the building proposed, the architectural style of the building, quality of construction, and general feel of the development shall be substantially similar to the renderings submitted with this Rezoning Application and attached hereto and incorporated herein. The facades of the building shall reflect a mixture of materials, which may include brick, natural stone, cast stone, stucco, precast, limestone stucco, ETFS, EIFS, CMU split-face block, and/or pre-fabricated metal or cementitious panels, consistent with the materials board submitted with this rezoning application.

11. The exterior color palette of the structure(s) on the Subject Property will be limited to natural and earth tones in substantial compliance with the elevations submitted with this Rezoning Application.
12. The refuse and/or trash facility will be located in an enclosed structure made of brick, stone, block, or a mix of approved external materials used on the principal building, outside of the street side setback. Appropriate landscaping shall be provided to screen the enclosure from the adjacent driveways.
13. Parking shall comply with applicable ordinances, subject to approval by the Zoning Board of Appeals, an administrative variance, or approval for a reduced and/or specified number of parking spaces.
14. No parking shall be permitted on the private driveway on the adjacent property and "No Parking" signs shall be installed where reasonably appropriate.
15. Tractor trailer and 18-wheeler type moving vans shall not be permitted on site and Developer shall post a sign notifying entrants of the same. Occupant employees shall notify customers that tractor trailer trucks are prohibited prior to leasing.

Attachments

- Rezoning Ordinance
- Exhibit A & B
- Proposed Zoning Map for Adoption
- Location Map, Zoning Districts Map, Future Land Use Map
- Comprehensive Plan excerpt
- Application packet
- DeKalb County Minutes and Site Plan
- Planning Commission Meeting Minutes
- Community Council Meeting Minutes

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2014-XX-XX

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS OF LAND LOT 349, District 18 IN CONSIDERATION OF ZONING CASE RZ-14-061 (1274 Crown Pointe Parkway)

WHEREAS: NitNeil Partners, LLC seeks permission to rezone and change zoning conditions located on the Northern side of Perimeter Center West, along Crown Point Parkway, west of its intersection with Olde Perimeter Way; and

WHEREAS: the Property, consisting of 1.019 acres of land, is currently zoned Office-Institution-conditional (O-Ic), conditioned to a six (6) story, 120-room hotel and a 2-level parking deck and the applicant seeks permission to amend the site plan to rezone the Property to Office-Distribution (O-D) to allow for the construction of a 4-story self-storage facility, with a maximum of 80,872 square feet of gross floor area; and

WHEREAS, the Property is currently a vacant lot and the character and quality of the proposed development is better aligned with the recommendations of the Comprehensive Plan than the existing hotel entitlement, both in the reduction of the building height and proposed use of higher quality materials and less potential daily traffic; and

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

WHEREAS: A public hearing was held by the Mayor and City Council of the City of Dunwoody as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby **ORDAINS AND APPROVES** the rezoning of this said property from Office-Institutional-conditional (O-Ic) to Office-Distribution (O-D) district. The rezoning of this property shall consist of the following Exhibits.

Exhibit A: Includes plan sheets C001, Conceptual Site Plan, and L001, Conceptual Landscape Plan produced by Wolverton & Associates, last revised on July 23, 2014.

Exhibit B: Includes plan sheets A1.1, Building Elevations (including color renderings), and A1.2 and A1.3 Floor Plan produced by Stinard Architecture Inc., dated July 18, 2014 and April 16, 2014 respectively.

Development of the site shall be substantially consistent with the above Exhibits, Zoning Ordinance, and the following conditions:

1. Developer shall develop the ± 1.019 acre undeveloped portion of the Subject Property substantially as depicted in the above Exhibits, copies of which are attached hereto and incorporated herein by reference.
2. Subject to review and approval by the Community Development Director, Developer shall landscape the undeveloped portion of the Subject Property in

**STATE OF GEORGIA
CITY OF DUNWOODY****ORDINANCE 2014-XX-XX**

general compliance with the conceptual landscape plans submitted with this zoning request, a copy of which is attached hereto and incorporated herein by reference, and the Zoning Ordinance. The final Landscape Plan shall comply with the Perimeter Community Improvement District standards for landscaping along the property frontage, except that the existing sidewalk is to remain in place and kept at its current width, with new trees planted behind the existing sidewalk, due to existing site limitations.

3. A minimum of four (4) of the existing seven (7) oak trees along the private entrance driveway shall be preserved and protected during construction. Any such tree that is significantly damaged, destroyed, or dies as a result of construction shall be replaced with a minimum four (4) inch caliper tree of a similar species. The remaining existing oak trees approved for removal shall be replaced with a minimum of three (3) trees, each a minimum three (3) inch caliper in size and be of oak or other species.
4. The hours of operation for the personal storage facility for customer access shall be from 7:00 a.m. to 11:00 p.m., except where specifically applied for and approved by the storage operator, for business customers only.
5. The total gross floor area (GFA) of the development for the \pm 1.019 acre undeveloped portion of the Subject Property shall not exceed 82,000 square feet of enclosed building space and shall be limited to use as a self-storage warehouse use and accessory office use, as further described in the Rezoning Application and site plan attached hereto and incorporated herein by reference. Further, the height of the development shall be limited to four stories.
6. Developer shall follow the 2007 Perimeter CID Public Standards for "Avenues" for all signs and lighting it installs in the public right-of-way.
7. Developer will provide street furniture to include one bench and one trash and recycling receptacle along its property frontage along Crown Pointe Parkway per PCID standards, to be maintained and emptied by the property owner and be located behind the existing sidewalk instead of in the PCID's designated "furniture zone", due to existing site limitations.
8. During construction of the \pm 1.019 acre undeveloped portion of the Subject Property, portions of the \pm 1.019 acre undeveloped area on the Subject Property that are not being developed or used for staging areas will be landscaped and maintained in an aesthetically pleasing manner.
9. Neon, gas, flashing, animated, sound emitting or rotating signs are prohibited. A majority of outdoor lighting shall be contained in adjustable wall pack fixtures mounted on the building and angled downward, shielded from the adjacent residential and fire station properties.
10. Developer will plant and landscape a staggered row of ten (10), 10-12 foot evergreen trees for screening purposes at the rear, northern boundary of the undeveloped portion of the Subject Property, using some combination of the following: Cryptomeria, Nellie R. Stevens (Holly), and Magnolia, and in compliance with the City of Dunwoody's Zoning and Land Development Ordinances, whichever is more stringent. It is understood that, for the

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2014-XX-XX

building proposed, the architectural style of the building, quality of construction, and general feel of the development shall be substantially similar to the renderings submitted with this Rezoning Application and attached hereto and incorporated herein. The facades of the building shall reflect a mixture of materials, which may include brick, natural stone, cast stone, stucco, precast, limestone stucco, ETFS, EIFS, CMU split-face block, and/or pre-fabricated metal or cementitious panels, consistent with the materials board submitted with this rezoning application.

11. The exterior color palette of the structure(s) on the Subject Property will be limited to natural and earth tones in substantial compliance with the elevations submitted with this Rezoning Application.
12. The refuse and/or trash facility will be located in an enclosed structure made of brick, stone, block, or a mix of approved external materials used on the principal building, outside of the street side setback. Appropriate landscaping shall be provided to screen the enclosure from the adjacent driveways.
13. Parking shall comply with applicable ordinances, subject to approval by the Zoning Board of Appeals, an administrative variance, or approval for a reduced and/or specified number of parking spaces.
14. No parking shall be permitted on the private driveway on the adjacent property and "No Parking" signs shall be installed where reasonably appropriate.
15. Tractor trailer and 18-wheeler type moving vans shall not be permitted on site and Developer shall post a sign notifying entrants of the same. Occupant employees shall notify customers that tractor trailer trucks are prohibited prior to leasing.

The City of Dunwoody Zoning Map shall be changed to reflect said rezoning.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2014.

Approved by:

Approved as to Form and Content

Michael G. Davis, Mayor

City Attorney

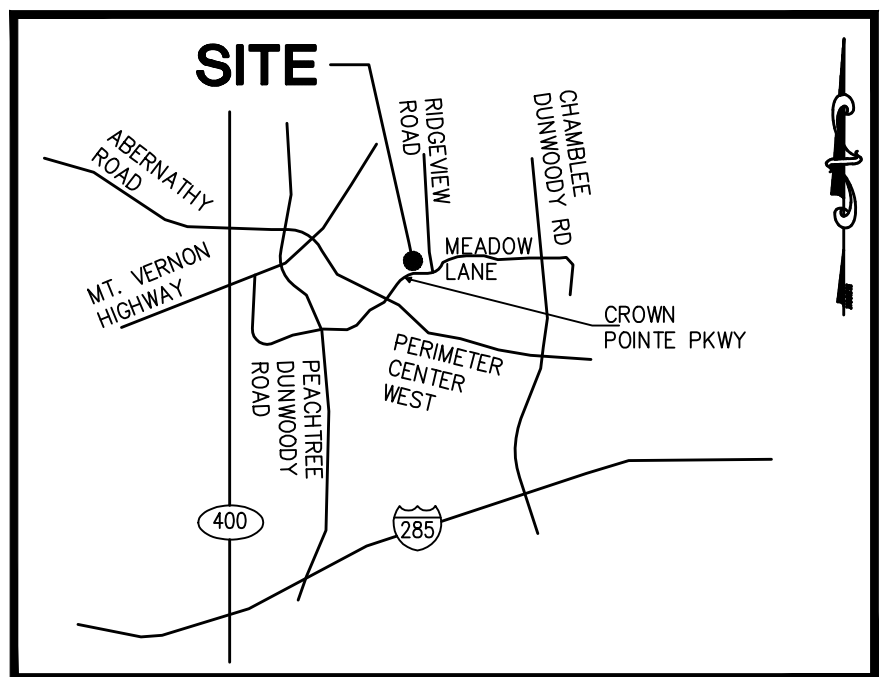
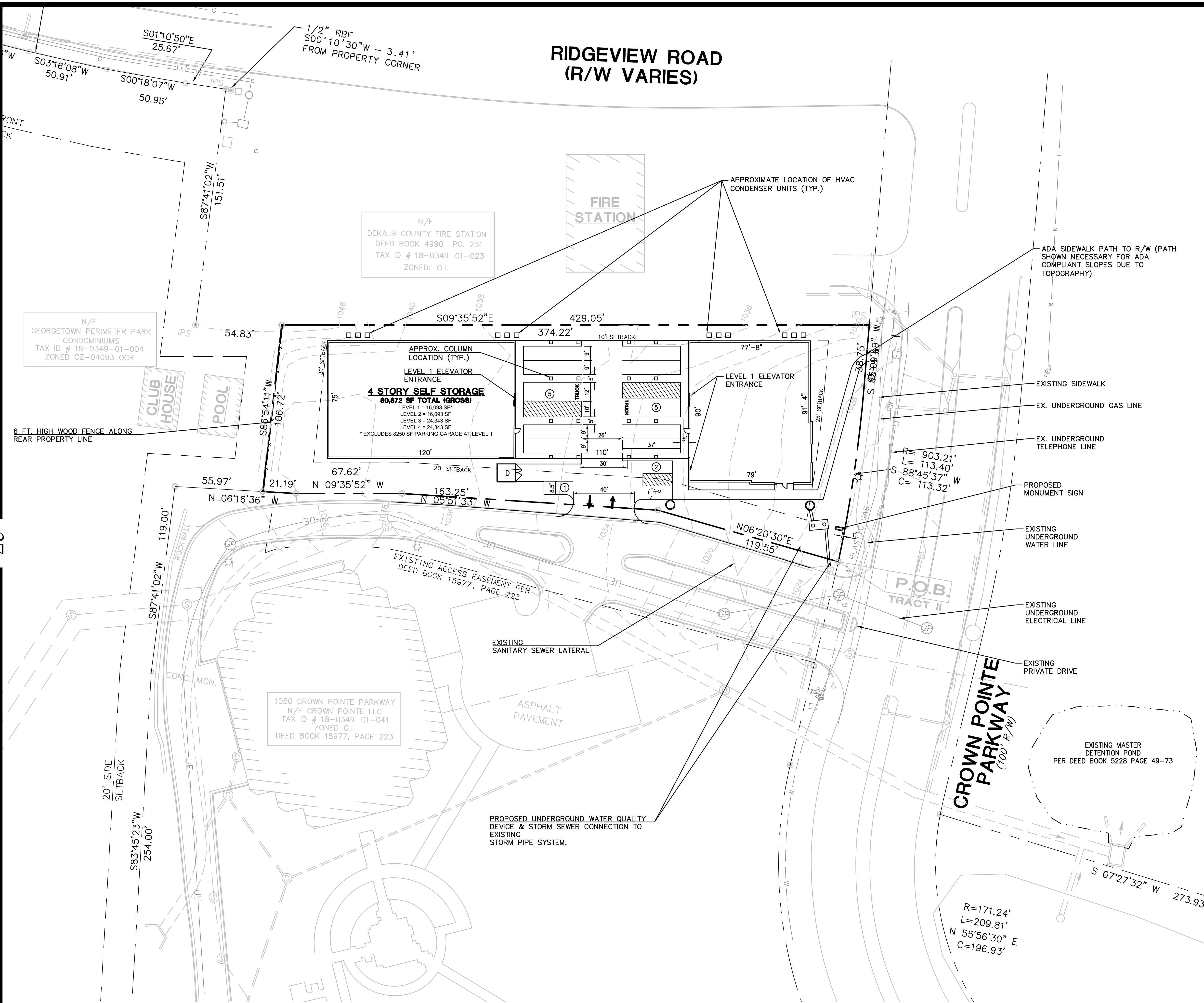
Attest:

Sharon Lowery, City Clerk

SEAL

-37-

USER: jeff - Jul 23, 2014 - 8:10am
Z: Site Dgn\14-115 Dunwoody Storage Concepts\14-115 P-9.dwg



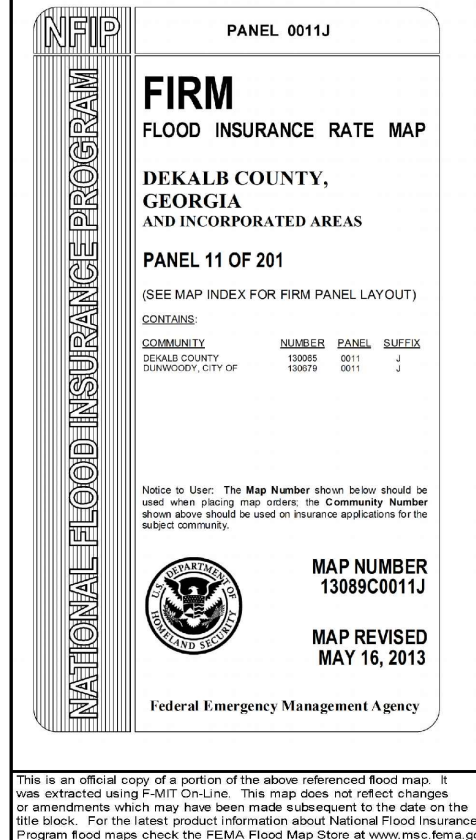
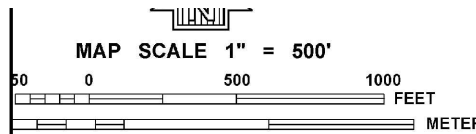
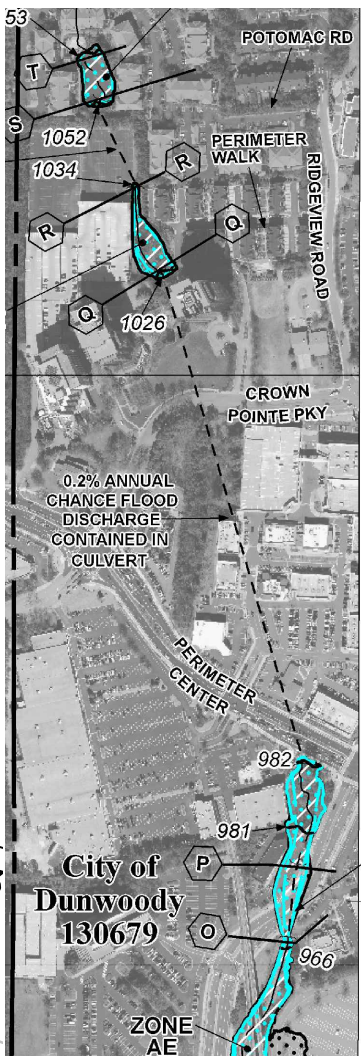
LOCATION MAP
NOT TO SCALE

NOTES

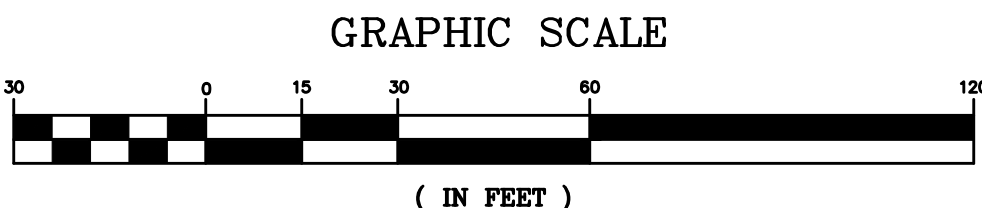
- CURRENT ZONING: 0-1 (CONDITIONAL)
PROPOSED ZONING: 0-D
 - REAR AND WEST SIDE SETBACKS BASED ON 0-D ZONING. FRONT AND EAST SIDE SETBACKS BASED ON APPROVED VARIANCES PER CASE# AV-0714133. PROPOSED FRONT SETBACK SUBJECT TO APPROVAL OF ADMINISTRATIVE VARIANCE FOR A 10% SETBACK REDUCTION.
 - SITE AREA: 1.01938 ACRES
1274 CROWN POINTE PARKWAY
LAND LOT 349, DISTRICT 18, TAX ID: 0349-01-003
LOT IS CURRENTLY VACANT
 - PROPOSED 4 STORY 80,872 S.F. SELF STORAGE BUILDING.
 - PARKING PROPOSED:
13 TOTAL SPACES (INCLUDING 1 ADA AND 2 LOADING SPACES)
- INDUSTRY TRADE ORGANIZATION DATA OF AVERAGE NUMBER OF SPACES AT A SELF STORAGE FACILITY BASED ON 2012 SELF STORAGE ALMANAC
- A. SOUTHEAST REGION: 10.9 SPACE AVERAGE
B. NO. OF UNITS: 10.3 SPACE AVERAGE
C. RENTABLE SQUARE FOOTAGE: 10.2 AVERAGE
D. MARKET AREA: SUBURBAN - 11.5 AVERAGE
E. FACILITIES BUILT AFTER 2006 - 12.1 AVERAGE
- CITY OF ATLANTA CODE REFERENCE: 1 SPACE PER 50 UNITS + 1 SPACE PER EMPLOYEE ON PEAK SHIFT.
A. 562 UNITS @ 1 SPACE/50 UNITS = 11.24 OR 12
B. 2 EMPLOYEES @ PEAK SHIFT = 2 SPACES
CITY OF ATLANTA CODE WOULD REQUIRE 14 SPACES
- MAXIMUM IMPERVIOUS AREA ALLOWED: 80%
PROPOSED IMPERVIOUS AREA: 77%
 - ACCORDING TO THE SURVEY, THIS SITE DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO NATIONAL FLOOD INSURANCE REPORT COMMUNITY PANEL NO: 13089 C 0011 J, DATED 05-16-2013

LEGEND FOR PROPOSED IMPROVEMENTS

- PROPOSED BUILDING
- PROPOSED CURB AND GUTTER
- PAINTED TRAFFIC DIRECTION ARROW
- PROPOSED PARKING SPACES
- STANDARD DUTY CONCRETE PAVEMENT



CONCEPTUAL SITE PLAN



NOTE:
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DESIGN MAY VARY DEPENDING ON ACTUAL TOPOGRAPHIC AND BOUNDARY SURVEY, DRAINAGE, ETC.. THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA REQUIRED DUE TO SLOPES, PARKING, ETC. THE CONCEPTUAL SITE PLAN IS FOR THE PURPOSE OF DEVELOPING A CONCEPT ONLY, AND DECIDING WHETHER OR NOT TO CONDUCT MORE DETAILED INVESTIGATION. THIS CONCEPTUAL SITE PLAN IS PREPARED FOR CLIENT WHOSE NAME IS SHOWN IN TITLE BLOCK ONLY. IT IS NOT TO BE USED OR RELIED UPON BY ANY OTHER PERSON OR ENTITY.

NOTE:
COLUMN LOCATION LAYOUT SHOWN IS CONCEPTUAL AND SUBJECT TO REVIEW AND DESIGN BY A STRUCTURAL ENGINEER.

Wolverton & Associates
Consulting Engineers + Land Surveyors
6745 Sugarloaf Parkway • Suite 100 • Duluth, Georgia 30097
Phone: (770) 447-8999 • Fax: (770) 447-9070
www.wolverton-assoc.com

Project Title
DUNWOODY STORAGE
DUNWOODY, DEKALB COUNTY, GA
BY: **NITNEIL PARTNERS**
ATLANTA, GA 30309

REVISIONS	BY
04/22/2014 REVISED TO ADDRESS COMMENTS	
06/21/2014 REVISED TO ADDRESS COMMENTS	
08/24/2014 DRAFT UPDATED CONCEPT PLAN	
07/16/2014 DRAFT UPDATED CONCEPT PLAN	
07/23/2014 DRAFT UPDATED FOOTPRINT & SF	

DRAWN BY **DMN**
CHECKED BY **AMH**
DATE **03/17/2014**
SCALE **1" = 30'**
JOB No. **14-115**
SHEET No. **#1.2**
OF **1**

RIDGEVIEW ROAD
(R/W VARIES)

PROPOSED LANDSCAPE SCREENING:
MIX OF 10 TREES: MIN. 10 TO 12
FOOT HIGH CRYPTOMERIA, NELLIE
R. STEVENS HOLLY, AND MAGNOLIA

PROPOSED SCREENING SHRUB BEDS
(INDIAN HAWTHORN,
CARISSA HOLLY, ABELIA)

**APPROXIMATE LOCATION OF HVAC
CONDENSER UNITS (TYP.)**

**PROPOSED
"SHARE THE ROAD" SIGN**

**APPROXIMATE LOCATION
OF NEW BENCH, ONE
TRASH & ONE RECYCLING
RECEPTACLE**

N/F
DEKALB COUNTY FIRE STATION
DEED BOOK 4990 PG. 231
TAX ID # 18-0349-01-023
ZONED: O.I.

**PROPOSED
'LITTLE GEM'
MAGNOLIA (TYP.)**

**APPROX. COLUMN
LOCATION (TYP.)**

**LEVEL 1 ELEVATOR
ENTRANCE**

4 STORY SELF STORAGE
80,872 SF TOTAL (GROSS)
LEVEL 1 = 16,093 SF*
LEVEL 2 = 16,093 SF
LEVEL 3 = 24,343 SF
LEVEL 4 = 24,343 SF
* EXCLUDES 8250 SF PARKING GARAGE AT LEVEL 1

**PROPOSED TREE
CRAPE MYRTLE (TYP.)**

**LEVEL 1 ELEVATOR
ENTRANCE**

**SMALL FLOWERING TREE
EASTERN REDBUD**

**PROPOSED SHRUB BEDS
WITH VARIETY OF
KNOCKOUT ROSE,
LOROPETALUM**
79'

**PROPOSED
MIN. 3" CAL.
ZELKOVA TREE
(TYP.)**

**EX. UTILITIES IN
LANDSCAPE
STRIP**

**PROPOSED
PEDESTRIAN
LIGHT
POLE**

**EXISTING TREES TO
REMAIN:**

**EXISTING ACCESS EASEMENT PER
DEED BOOK 15977, PAGE 223**

**PROPOSED
MIN. 3" CAL.
WILLOW OAK
(TYP.)
EXISTING
SANITARY SEWER LATERAL**

**SMALL FLOWERING TREE
EASTERN REDBUD**

**1050 CROWN POINTE PARKWAY
N/F CROWN POINTE II C**

ASPHALT

**P.O.B.
TRACT II**

**ANNUAL SEASONAL
COLOR**

**EXISTING TREES TO
REMAIN, SITE GRADING
WILL IMPACT ROOT
ZONE (TYP.)**

EXCEPTIONS NOTED TO THE PCID GUIDELINES:
EXISTING SIDEWALK PROPOSED TO REMAIN IN PLACE
AND NO STREET TREES OR FURNITURE ZONE
PROPOSED IN THE EXISTING LANDSCAPE STRIP
BETWEEN THE EXISTING SIDEWALK AND CURB FOR
THE FOLLOWING REASONS:

1. IT IS CONSISTENT WITH OTHER EXISTING
SIDEWALKS ALONG THIS SIDE OF THE STREET.
2. THERE ARE EXISTING UTILITIES UNDER THIS AREA,
WHICH ISN'T IDEAL FOR RE-GRADING, OR TREE
PLANTING.
3. THERE IS A GRADE CHANGE ACROSS THE
EXISTING LANDSCAPE AREA BETWEEN THE EXISTING
CURB AND EXISTING SIDEWALK, WHICH WOULD NOT
ALLOW FOR A FLAT AREA TO RETROFIT A FURNITURE
ZONE.
4. FURNITURE IS PROPOSED ON BACK SIDE OF
EXISTING SIDEWALK INSTEAD AND STREET TREES ARE
PROPOSED ON BACK OF SIDEWALK INSTEAD ALONG
WITH PRESERVING AN EXISTING STREET TREE.
5. EXISTING TREES TO REMAIN. SITE GRADING WILL
IMPACT ROOT ZONE, TYP. SEE PLAN FOR LOCATION
OF TREES.
6. PARKING PROPOSED:
13 TOTAL SPACES (INCLUDING 1 ADA AND 2
LOADING SPACES.)

**CONCEPTUAL
LANDSCAPE PLAN**

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

NOTE:
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DEPENDING ON ACTUAL TOPOGRAPHIC AND BOUNDARY SURVEY, DRAINAGE, ETC.,
THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA
REQUIRED DUE TO SLOPES, PARKING, ETC. THE CONCEPTUAL SITE PLAN IS FOR
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Project Title
DUNWOODY STORAGE
DUNWOODY, DEKALB COUNTY, GA
BY: NITNEIL PARTNERS
ATLANTA, GA 30309

REVISIONS

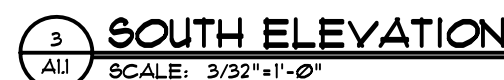
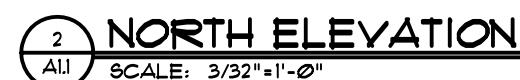
NO.	DATE	REVISION
01	04/22/2014	REVISED TO ADDRESS COMMENTS
02	06/24/2014	DRAFT UPDATED CONCEPT PLAN
03	07/23/2014	DRAFT UPDATED CONCEPT PLAN

DRAWN BY DMN
CHECKED BY AMH
DATE 03/17/2014
SCALE 1" = 20'
JOB No. 14-115
SHEET NUMBER L001
OF SHEETS

Project Title
DUNWOODY STORAGE
DUNWOODY, DEKALB COUNTY, GA
BY: NITNEIL PARTNERS
ATLANTA, GA 30309

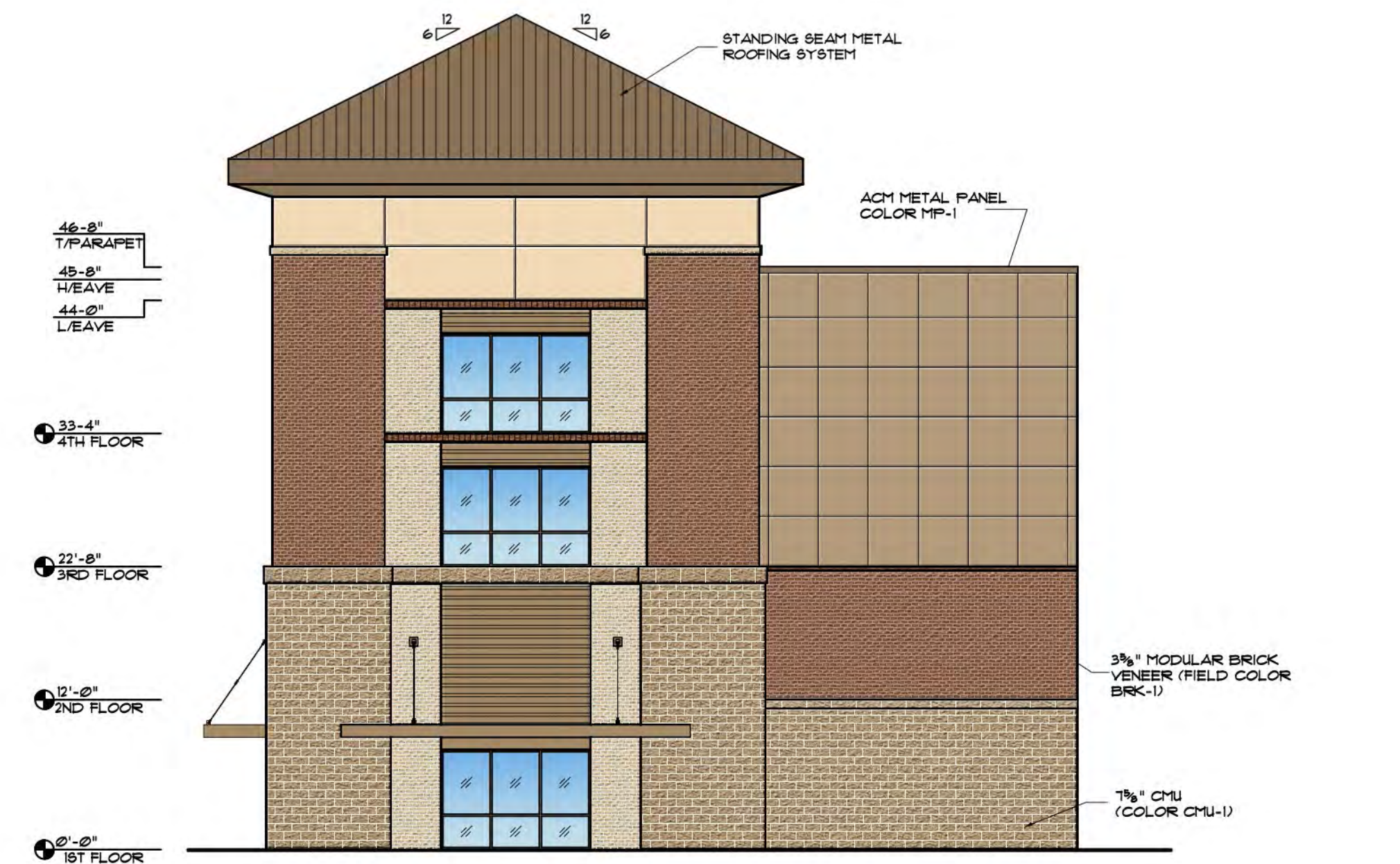
[illegible]

DRAWN BY	DMN
CHECKED BY	AMH
DATE:	03/17/2014
SCALE:	1" = 20'
JOB No.	14-115
SHEET NUMBER	
L001	
OF	SHEETS





1 SOUTH ELEVATION
SCALE: 3/32"=1'-0"



2 WEST ELEVATION
SCALE: 3/32"=1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF STINARD ARCHITECTURE, INC. AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF STINARD ARCHITECTURE, INC. THESE DRAWINGS WERE PREPARED FOR THE USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH THE ISSUE DATE AND ARE NOT TO BE USED FOR ANY OTHER SITE OR AT A LATER TIME. ALL DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR AND THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION. DO NOT SCALE DRAWINGS.

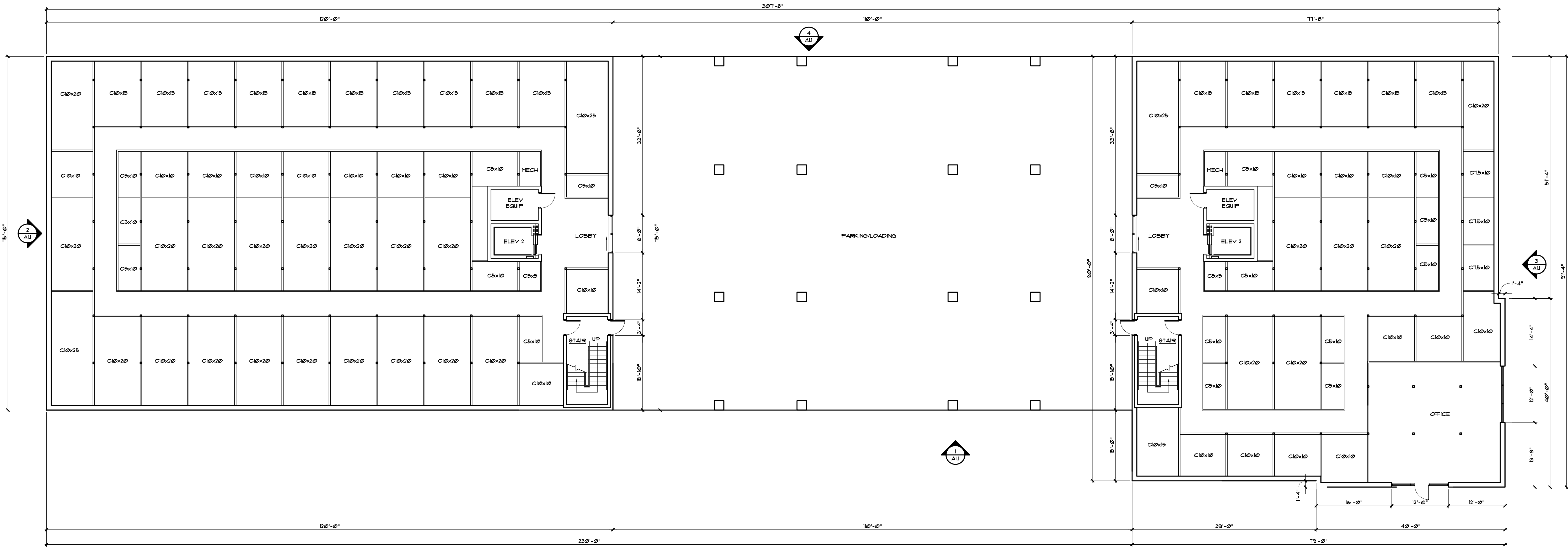
Dunwoody Self Storage
Crown Pointe Parkway
Dunwoody GA

STINARD ARCHITECTURE, INC.
322 EAST MAIN STREET
DUNWOODY, GA 30340
770-270-2244
STINARDARCH.COM

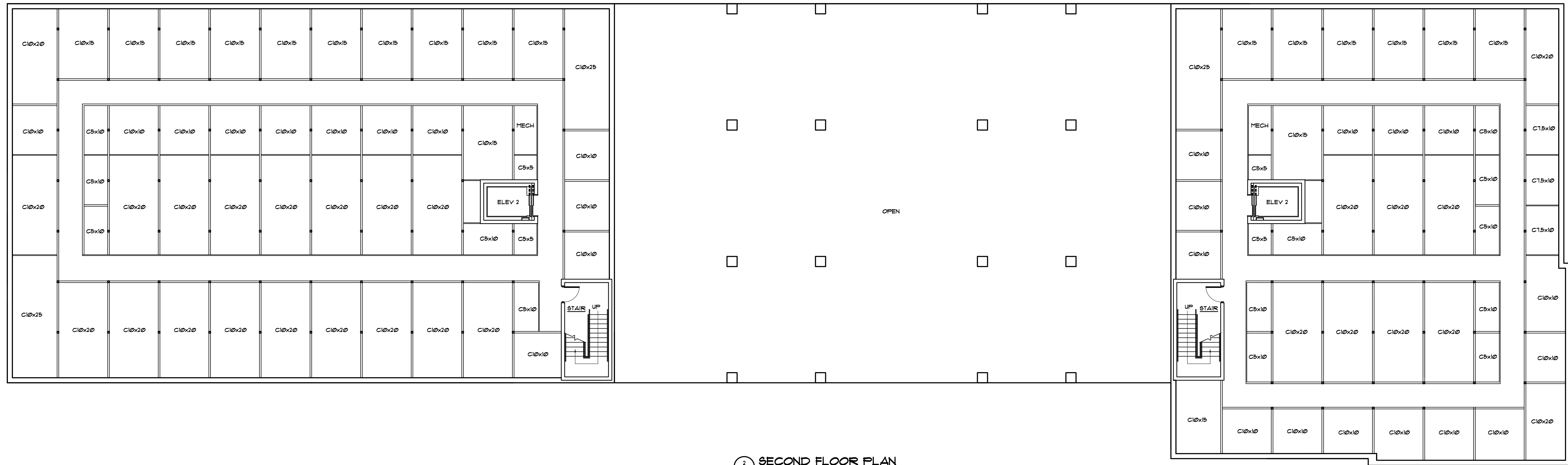
REVISIONS

PROJECT NUMBER
2014
DATE
4-16-14

SHEET NUMBER
A1.1



1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0" APPROX 81,084 SF



2 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

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Dunwoody Self Storage
Crown Pointe Parkway
Dunwoody GA



322 EAST MAIN STREET
CARTERSVILLE GA 30120
770-425-7400 (F) 770-425-7444
STINARDARCH.COM

REVISIONS

PROJECT NUMBER
2014
DATE
7-18-14

SHEET NUMBER

A1.#1.2

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Dunwoody Self Storage

**Crown Pointe Parkway
Dunwoody GA**



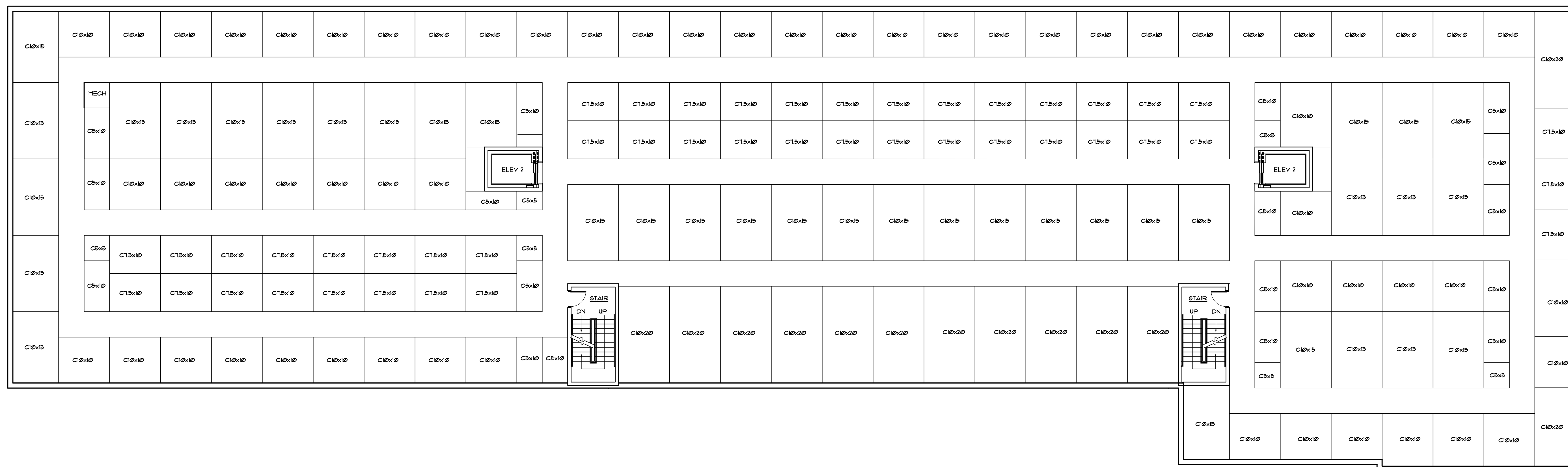
**322 EAST MAIN STREET
CARTERSVILLE GA 30120
770.425.1400 (F) 770.425.1444
STINARDARCH.COM**

REVISIONS

PROJECT NUMBER	2014
DATE	7-18-14

SHEET NUMBER

A1.3



1 THIRD AND FOURTH FLOOR PLAN
A13 SCALE: 1/8" = 1'-0"

Dunwoody Self Storage

Stinard Architecture, Inc.
7/23/2014

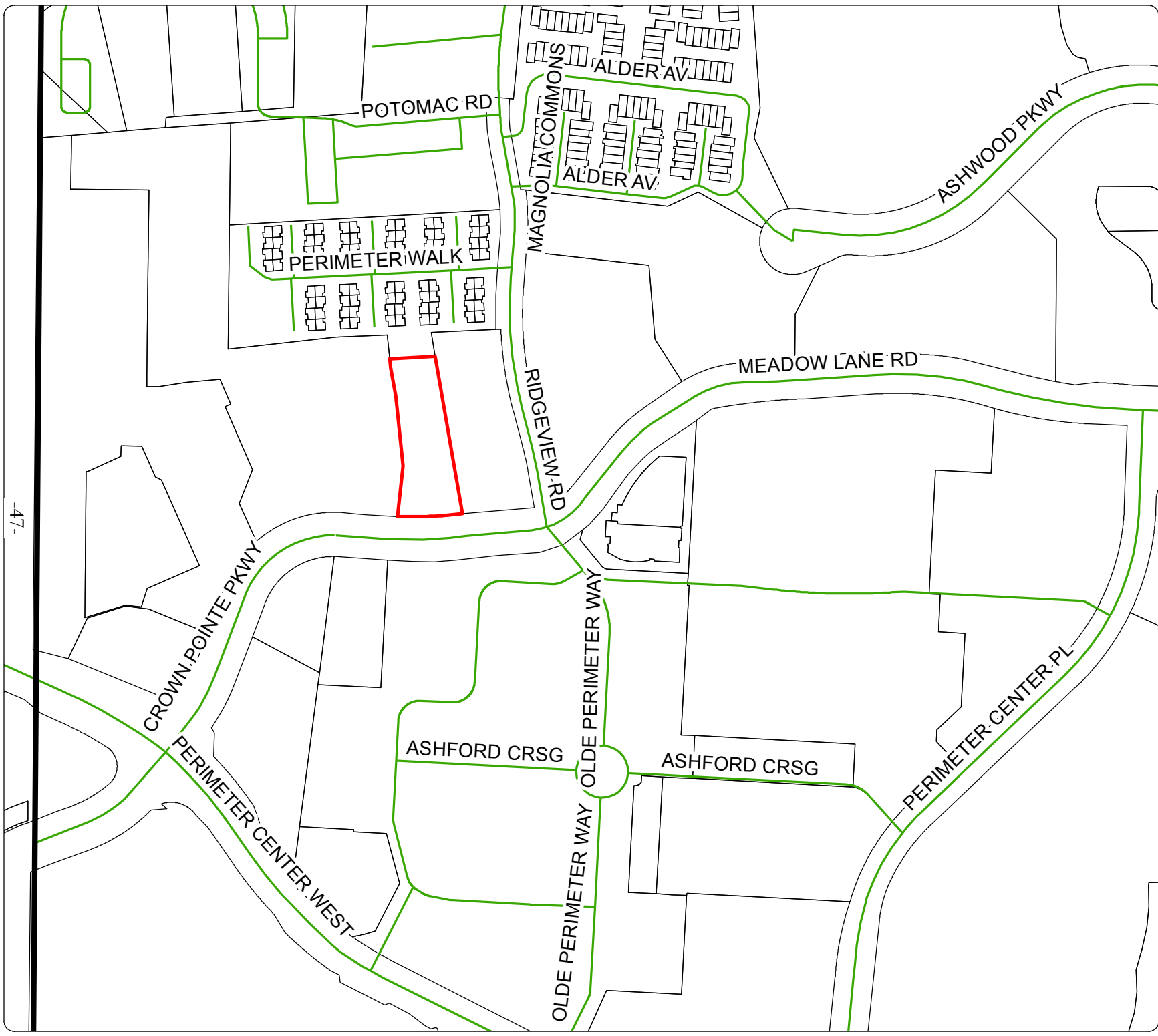
SF per Unit		25	50	75	100	150	200	250	300	
Conditioned Storage:										
1st Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		2	17	3	21	17	24	3	0	87 Total Units
Total SF	16,093	50	850	225	2,100	2,550	4,800	750	0	11,325 Net Rentable
2nd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		4	13	3	26	19	27	3		95 Total Units
Total SF	16,093	100	650	225	2,600	2,850	5,400	750	0	12,575 Net Rentable
3rd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
4th Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
Total	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
		18	64	96	165	110	77	6	0	536 Total Units
Total SF	80,872	450	3,200	7,200	16,500	16,500	15,400	1,500	0	60,750 Net Rentable
% Units		3%	12%	18%	31%	21%	14%	1%	0%	100%

113 Ave SF/Unit
75% Efficiency

Office SF 777 SF

Parking area on 1st and 2nd floors are not included in the SF

Note: Unit sizes indicated are nominal, and are subject to variation.



-47-

Dunwoody
*Smart people - Smart city
Community Development
41 Perimeter Center East | Dunwoody, Georgia
Suite 250 | 30346-1902
678-382-6800 ~ www.dunwoodyga.gov

1274 Crown Pointe Pkwy.

Site Location

March 2014

Legend

- Street Centerlines
- Parcels
- City Limits

Scale: 1"=300'
(1:3600)

#1.2.

An inset map showing a larger geographic area, including streets like Valley View Rd, Ashwood Pkwy, Perimeter Center West, and Hammond Dr. A red rectangle on the inset map indicates the location of the site shown in the main map.

1274 Crown Pointe Pkwy.

Zoning Districts

March 2014

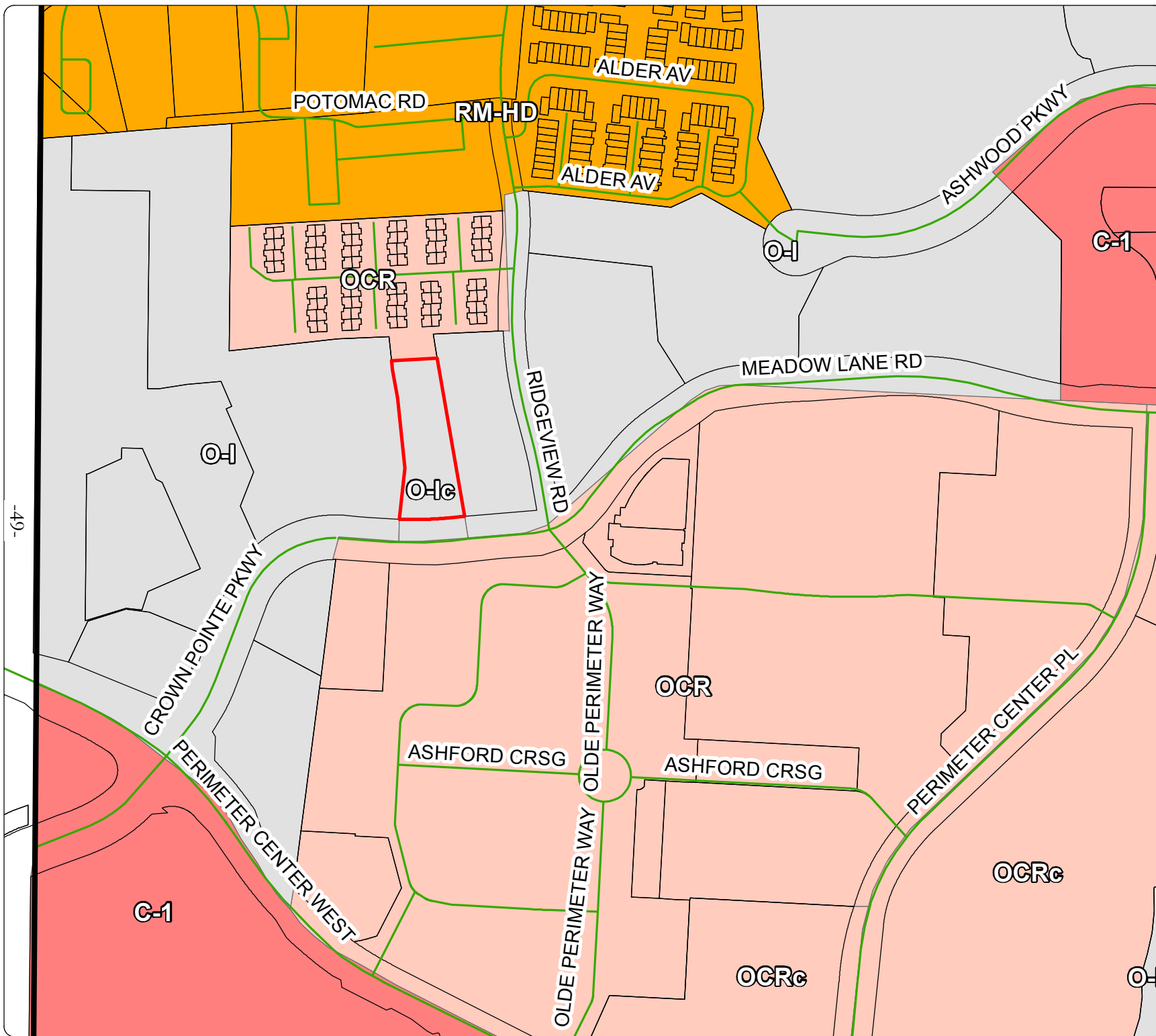
Legend

- Street Centerlines
- Parcels

City Zoning DISTRICT

- General Commercial
- Industrial
- Local Commercial
- Multi Family Residential
- Multi-Family Residential
- Neighborhood Shopping
- Office-Commercial-Residential
- Office-Distribution
- Office-Institution
- Office-Institution-Transitional
- Pedestrian Community
- Planned Development
- Residential Community Development
- Single Family Cluster Residential
- Single Family Residential
- City Limits

Scale: 1"=300'
 (1:3600)





1274 Crown Pointe Pkwy.

Future Land Use

March 2014

Legend

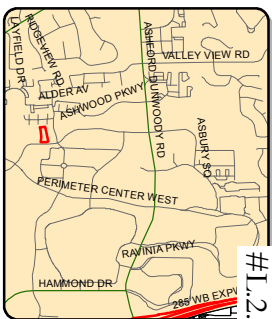
- Street Centerlines
- Parcels

Future Land Use

Name

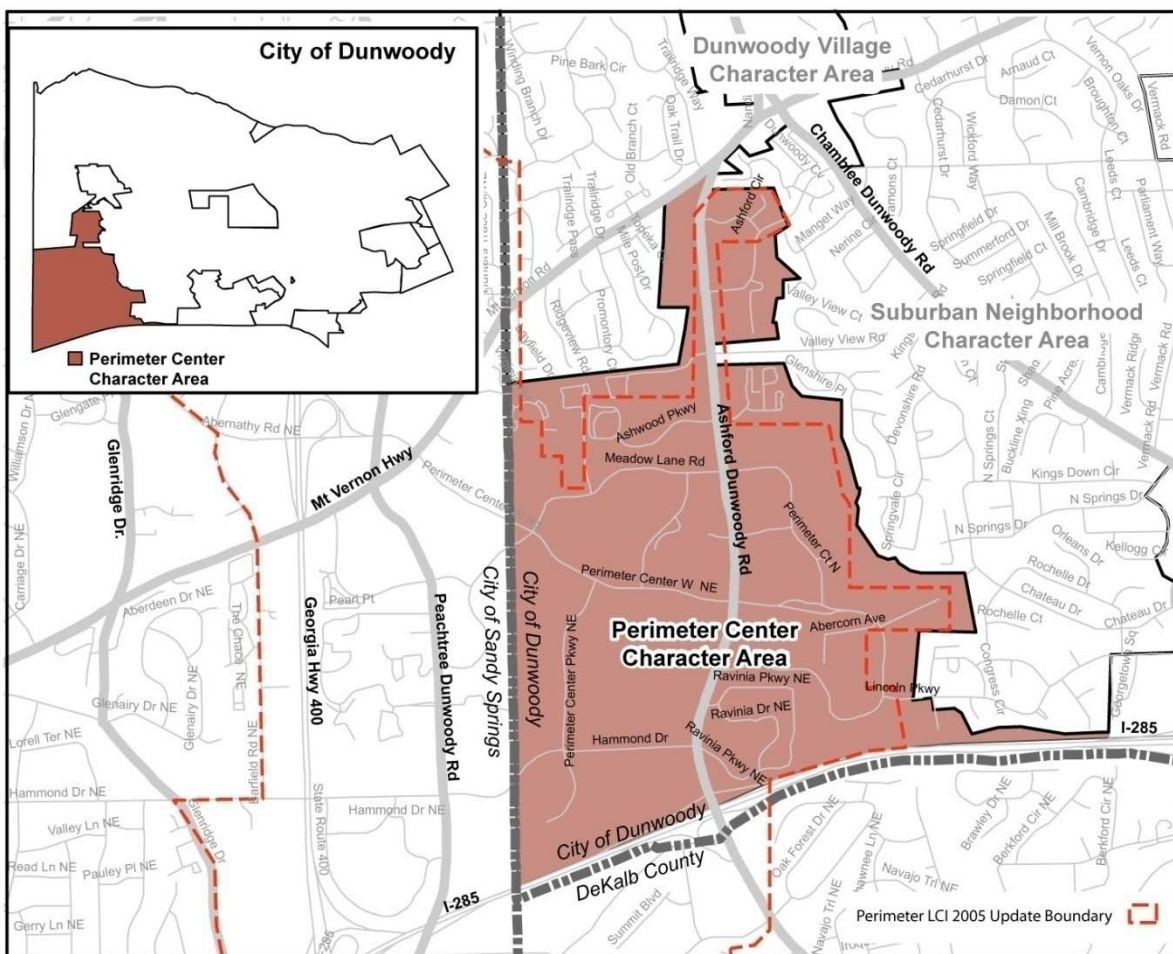
- Community Facility/Water Treatment
- Dunwoody Village
- Georgetown-Shallowford Road
- Institutional/Campus
- Jett Ferry Gateway
- Multi-Family/Mixed-Use
- Office
- Perimeter Center
- Residential
- Tilly Mill Gateway
- Winters Chapel Redevelopment Area
- City Limits

Scale: 1"=300'
 (1:3600)





Perimeter Center



Vision/Intent

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

By 2030, the area successfully adds public gathering space and pocket parks, continues to create transportation alternatives, mitigates congestion, and reduces remaining excessive surface parking. The area creates the conditions of possible true “live-work” environment. All future development continues to emphasize high quality design standards and building



materials and incorporates the current national best practices on energy efficiency, where possible.

The City of Dunwoody recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations. However, the City has concerns about the impact of such development on the City's infrastructure and schools. To ensure proper controls on residential growth in the PCID, the City recommends zoning changes to require Special Land Use Permits (SLUP) for future high-density housing projects.

Future Development

The boundary of the Character Area designation extends slightly beyond the boundary of the PCIDs/LCI study area to include either existing commercial or to provide a transition where the Character Area abuts adjacent Suburban Character. The locator map also shows where the PCIDs/LCI boundary extends both west into Sandy Springs and into unincorporated DeKalb County, south of I-285.

The first section identifies the City's intent for the area outside the PCIDs; the subsequent section incorporates components which lie within the City of Dunwoody boundaries.

Outside the Perimeter CIDs/LCI:

Development within the Perimeter Center Character Area that abuts the Suburban Character area should demonstrate conformance with the principles of a transitional area. Unless accompanied by an exceptional buffering and usable open space provisions, density should be no greater than 4-8 units to the acre and commercial should be very low intensity (under 20,000 square feet).



1999 parking lot conditions in the Perimeter Center area



2009 conditions above (outparcel development); the City envisions continuing the trend of converting existing surface parking to better uses, ideally including pocket park and green space

Within the Perimeter CIDs/LCI study area: In 2000, the Perimeter CIDs engaged in a Livable Cities Initiative study to craft a vision and strategy for the Fulton and DeKalb Perimeter Community Improvement Districts. This process resulted in a future land use plan that divided the CIDs into defined, development sub-areas -- **Transitional, High-Density, and Transit Village** -- indicated below. Where located within the Dunwoody City limits, new development should conform to the intent of these areas, as described below. In 2005, the Perimeter CIDs went through a process to update a LCI and document potential growth strategies for each area. The City will partner with the PCIDs for a future update and amend this Comprehensive Plan, if appropriate.

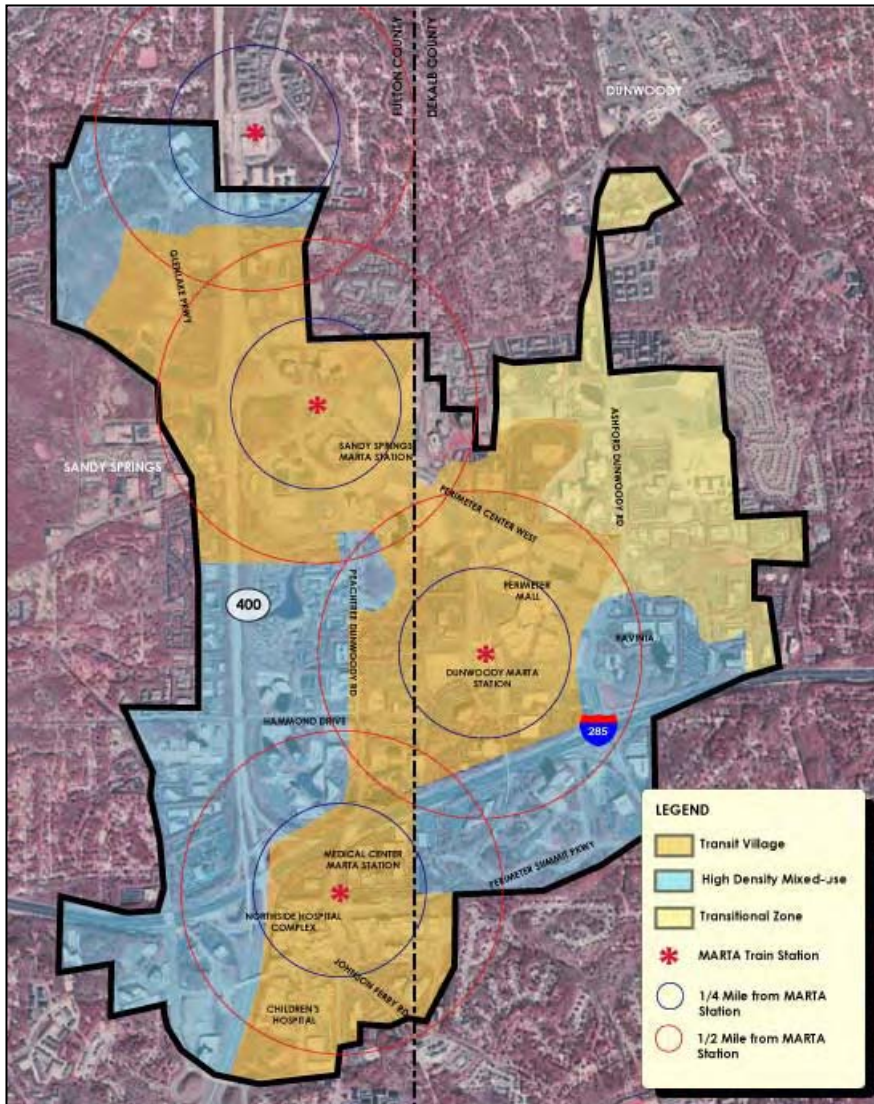


FIGURE 4: Perimeter Center LCI Framework Plan: development types

A Community Improvement District (CID)

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

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



Zoned when the area was under unincorporated DeKalb County jurisdiction, several of the parcels located within the City's character area remain undeveloped. As actual market values adjust in the post-recession climate, the City anticipates opportunities to establish development regulations to provide appropriate recreation and open space amenities for the public, especially where open space potential is identified within the Perimeter LCI "Transit Village" and "Transitional" section described further below.

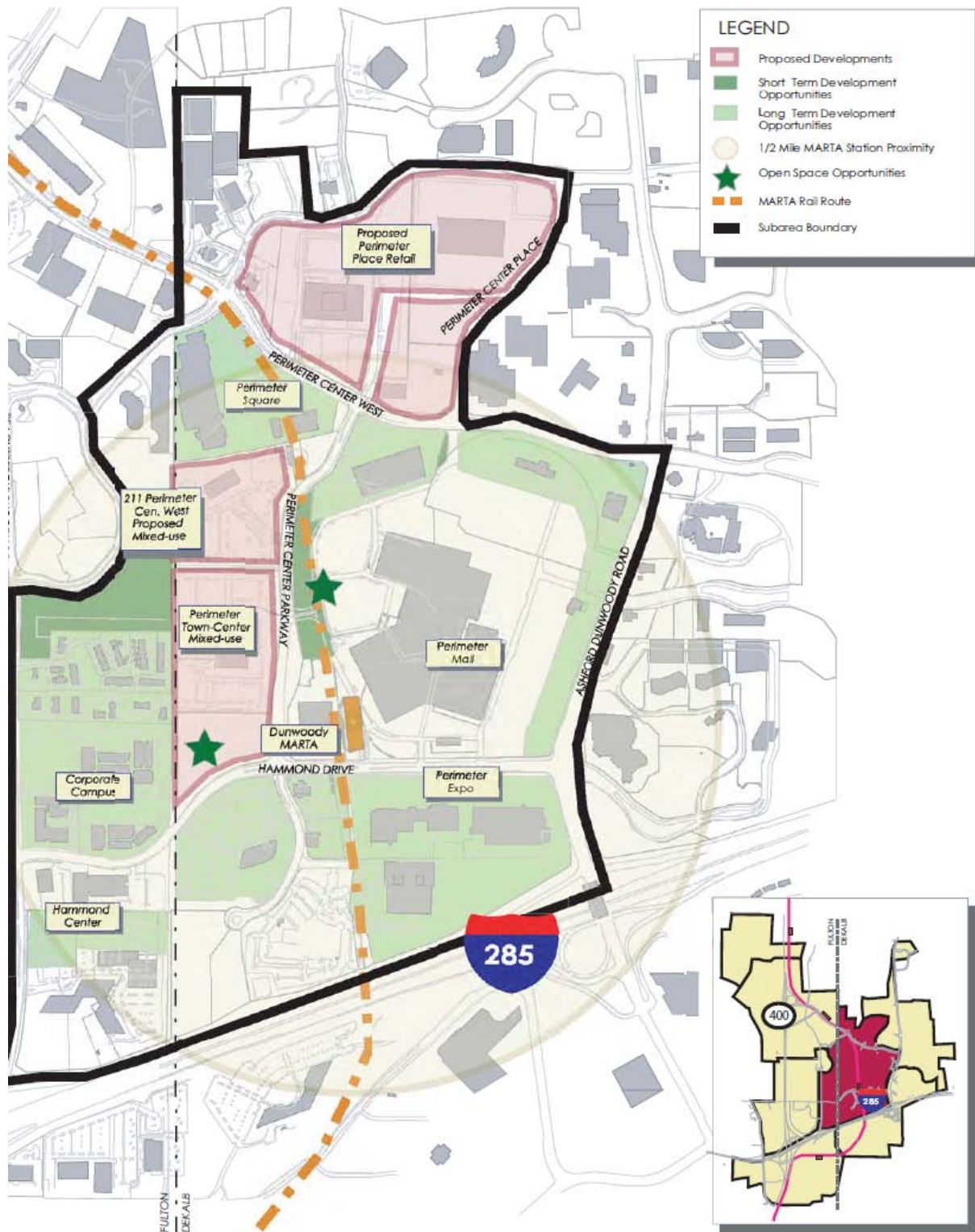


FIGURE 5: Development Opportunities



Perimeter Center - Transit Village:

Transit Village Sub-Area:

Defined by a half-mile radius around the existing MARTA Stations, the Transit Village area will develop as an urban district promoting a mix of residential, commercial and institutional uses. This decision is based on the location of major transit infrastructure which provides opportunities for alternative transportation.

The desire is to generate a "Town Center" near Perimeter Mall to reinforce business development and a sense of identity for the area emerged. The plan argues the vision for the Perimeter Mall "Transit Village" can serve as the "prototype spearheading development at other MARTA Stations."

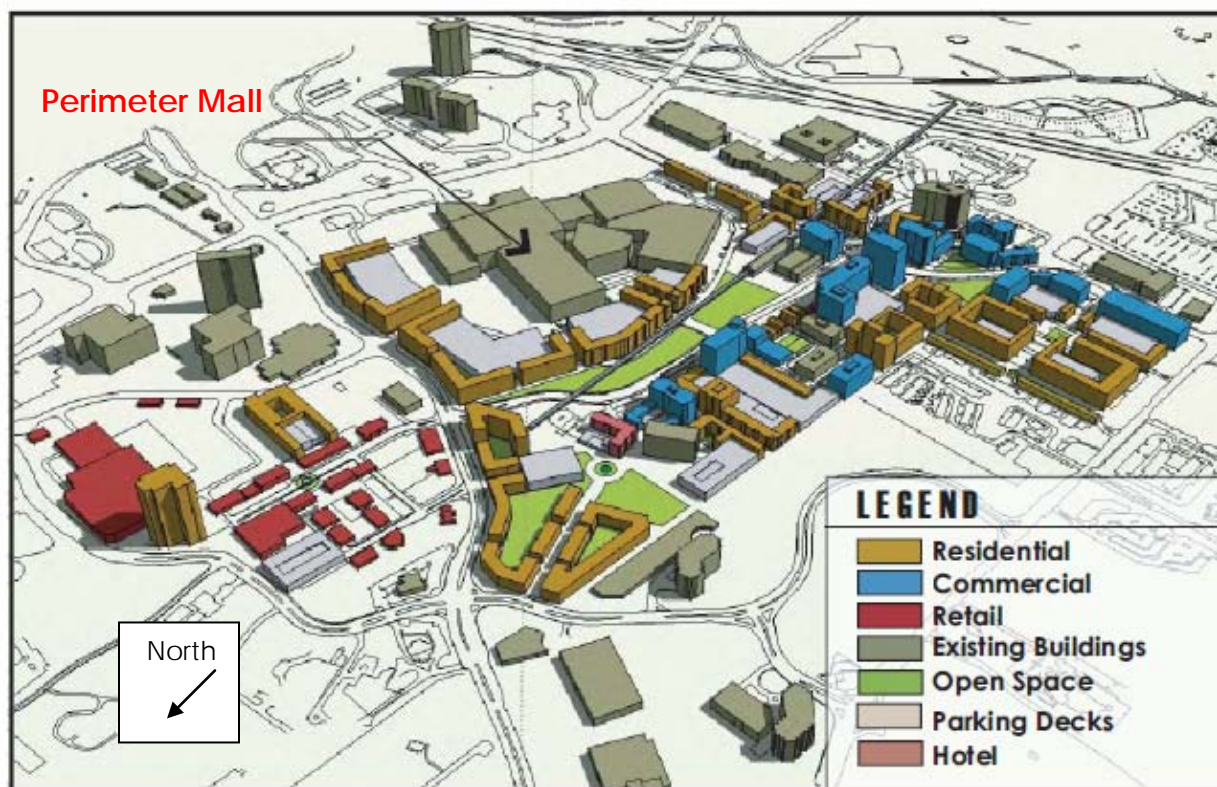


FIGURE 6: Plan-view Perimeter Center Parkway Build-Out with Linear Park and Green Space



High-Density Mixed-Use sub-area:

This development sub-area currently has a concentration of commercial uses, mostly due to accessibility from I-285. The Ravinia complex on the north side of I-285 includes an upscale hotel (Crown Plaza) and two high-rise office towers. The parcels north of Ravinia are a part of the Perimeter Center East commercial properties, owned by Equity Office Properties. These buildings vary from low-density offices built in the 1970s (such as 77 Perimeter Center West) to high-rise buildings (including the former Philips regional headquarters) fronting I-285. The City envisions continuing commercial development along with encouraging compatible uses to balance office expansion.

Notable, the interchange at Ashford Dunwoody Road is one of the major transportation bottleneck locations in the Perimeter area. Current road patterns require all of the traffic on Ravinia Drive and Perimeter Center East to converge on to Ashford Dunwoody Road. Given the commercial nature of the developments on both these roads, morning and afternoon rush hour



times create huge congestion issues south of Perimeter Center West. Similar issues are created south of I-285 at Ashford Dunwoody Road, where vehicular traffic from offices at Perimeter Summit and Lake Hearn backs up during peak hours. The recent interchange improvements at Ashford Dunwoody Road are aimed at reducing congestion on Ashford Dunwoody Road, on both sides of I-285.

Additionally, the PCIDs completed the Perimeter Center Parkway Bridge (flyover) in 2007. This bridge provides much needed vehicular, pedestrian and bicycle accessibility connecting the Dunwoody MARTA Station to Perimeter Summit. The parkway improvements were achieved through a collaborative partnership between the Atlanta Regional Commission's Livable Centers Initiative, Georgia's Fast Forward bond program and DeKalb County.

The City also envisions realizing the goal of **expanding the open space** from the trails behind the Ravinia Towers to additional areas in the future. A public plaza would also be appropriate at Perimeter Summit, to serve the large number of residents and employees that will be using the complex. Public art such as sculptures or fountains could enhance these open spaces. This would anticipate a conversion of excess parking into usable pocket parks. A pocket park is defined as a small area – 2,500 sq. ft. to 1 acre – of open space for active or passive recreation within a development.

In 2009, the PCIDs broke ground on the nearly \$18 million half-diamond interchange at Hammond Drive and GA 400.

Construction will include building entrance and exit ramps from Hammond Drive to GA 400 and replace the four-lane Hammond overpass with a nine-lane, higher bridge to meet current and future traffic volumes. This will provide alternative access to the area. The project had been planned for more than 15 years.

Perimeter Center Transitional Sub-Area:

Geared specifically towards protecting the single-family communities that become vulnerable to density pressures given high land prices, this sub-area actively discourages incompatible infill and loss of neighborhood character. The City of Dunwoody intends to establish a "buffer zone" where transitional regulations can be put in place to offer contextual sensitivity. The plan envisions low and medium density office and some residential. The City of Dunwoody considers up to 8 units maximum to the acre "low density" and up to 12 units to the acre "medium density."

Two areas of potential open space, as indicated on the development opportunities map below, are identified. They include surface parking that could be converted into more appropriate uses, including usable open space amenities.

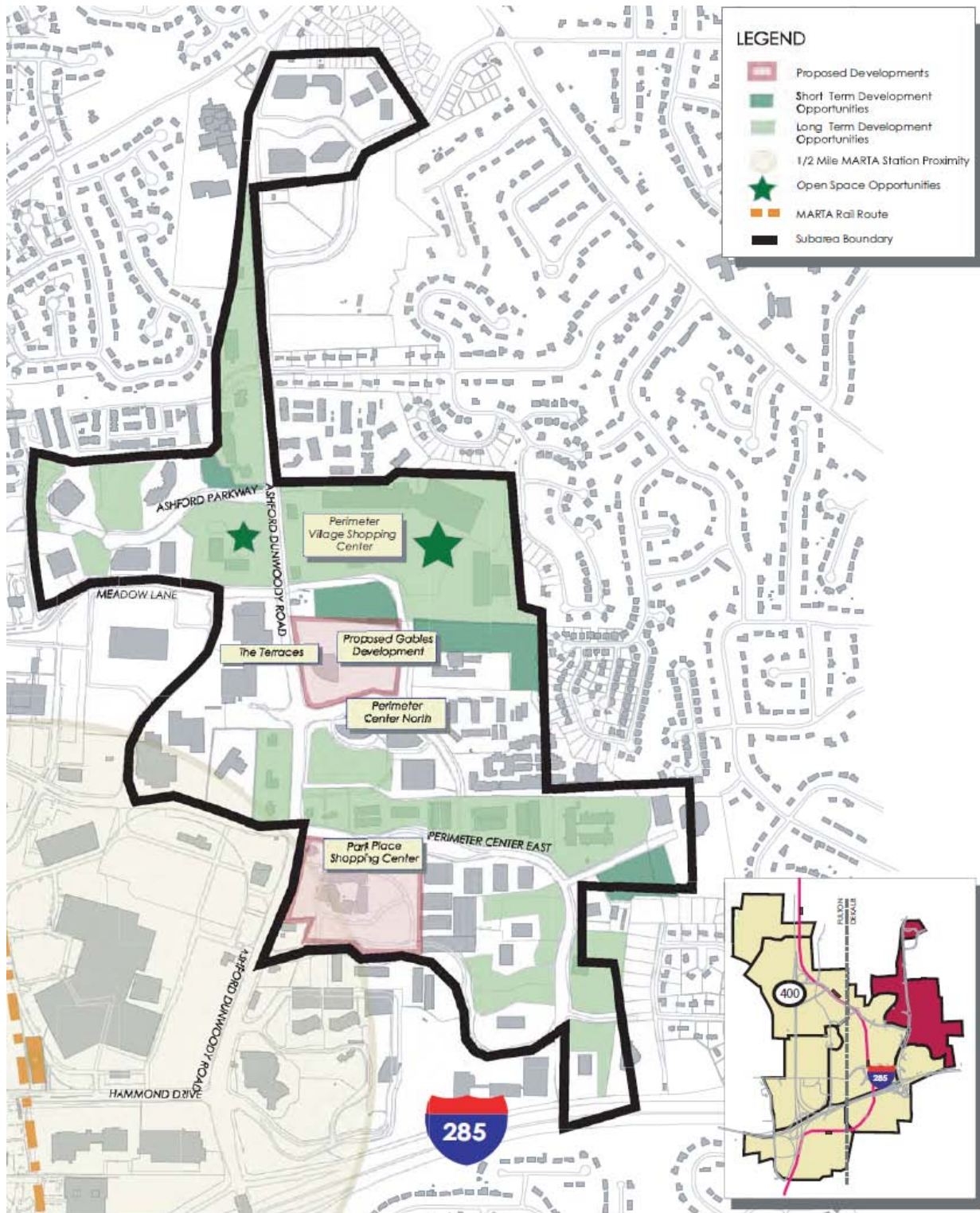


FIGURE 8: Development Opportunities, Transitional Zone (p 49, LCI Update 2005)



Perimeter Center Character Area Goals

- Land Use
 - New residential development will include amenities and provide public functional green space
 - New residential development will address school capacity issues and applicants will work with Board of Education and City for better resolution of school issues
 - Reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station
 - Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route
 - Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services
- Transportation and Circulation
 - Create bicycle, pedestrian and potential golf cart options to connect with the rest of the City of Dunwoody
 - Work with the Perimeter Transportation Management Association (TMA) to actively reduce automobile dependency and emerge as a leader in alternative transportation for the region
 - Promote/establish new connectivity
- Intergovernmental Coordination
 - Work to strengthen Board of Education relationship for creative solutions to school capacity
 - Work with the PCIDs' boards to implement vision
 - Coordinate with the City of Sandy Springs for LCI Updates and implementation
 - Coordinate with the Atlanta Regional Commission (ARC) for implementation of future LCI study updates
 - Coordinate with MARTA regarding Bus Rapid Transit (BRT) (or other regional service) and urban design surrounding all transit stations

AMENDMENT APPLICATION



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

* Applicant Information:

Company Name:	NitNeil Partners, LLC		
Contact Name:	Marian C. Adeimy, Attorney for Applicant		
Address:	1960 Satellite Blvd., Suite 4000, Duluth, GA 30097		
Phone:	(678) 518-6855	Fax:	(770) 286-9702
Email:	madeimy@catclawfirm.com		
Pre-application conference date (required):	3/6/14		

* Owner Information: ☐ Check here if same as applicant

Owner's Name:	Crown Pointe Land Partners, LLC c/o Atlantic Realty Partners, Inc.		
Owner's Address:	3438 Peachtree Road, NE, Phipps Tower, Ste. 1425, Atlanta, GA 30326		
Phone:	(404) 591-2900	Fax:	(404) 591-2901
Email:	bcurran@gocrp.com		

* Property Information:

Property Address:	1274 Crown Pointe Parkway, Dunwoody, GA	Parcel ID:	1834901003
Current Zoning Classification:	OI-C		
Requested Zoning Classification:	O+D (for climate controlled, indoor self-storage)		

* 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: NitNeil Partners, LLC, by Marian C. Adeimy, Attorney for Applicant
Applicant's Signature: Marian C. Adeimy Date: 3-18-14

* Notary:

Sworn to and subscribed before me this	18th	Day of	March	, 20	14
Notary Public:	Ginger Conroy				
Signature:	<u>Ginger Conroy</u>				
My Commission Expires:	8.25.15				



Additional Property Owner(s) Notarized Certification

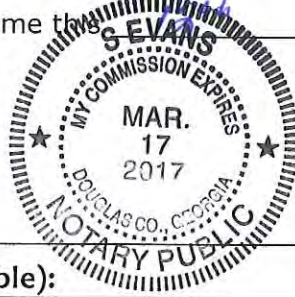


41 Perimeter Center East | Dunwoody, GA 30346
Phone: (678) 382-6800 | Fax: (770) 396-4828

I hereby certify that to the best of my knowledge, this amendment form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for 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):

Signature: <u>[Signature]</u>	Authorized Agent	Date: <u>3-12-14</u>
Address: <u>3438 Peachtree Road, Suite 1425, Atlanta GA 30326</u>		
Phone: <u>404-591-2492</u>	Fax: <u>404-591-2901</u>	Email: <u>bcurran@goarp.com</u>
Sworn to and subscribed before me this <u>17</u> Day of <u>March</u> , 20 <u>14</u>		
Notary Public: <u>[Signature]</u>		



* Property Owner (If Applicable):

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

* Property Owner (If Applicable):

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

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

* Applicant / Owner: Crown Pointe Land Partners, LLC

Signature: [Signature] Authorized Agent Date: 3-12-14
Address: 3438 Peachtree Road, Suite 1425, Atlanta, GA 30326

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

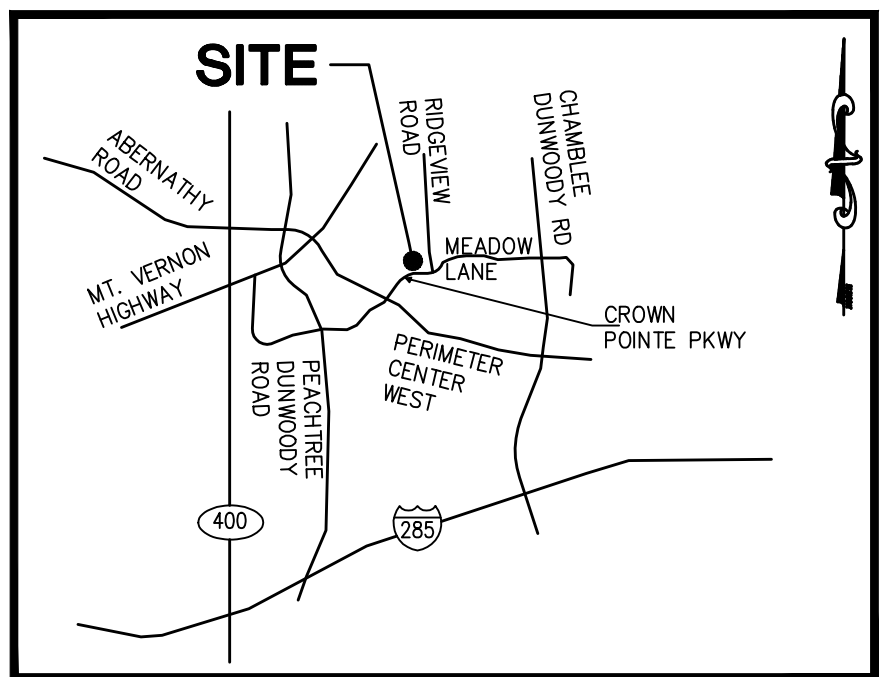
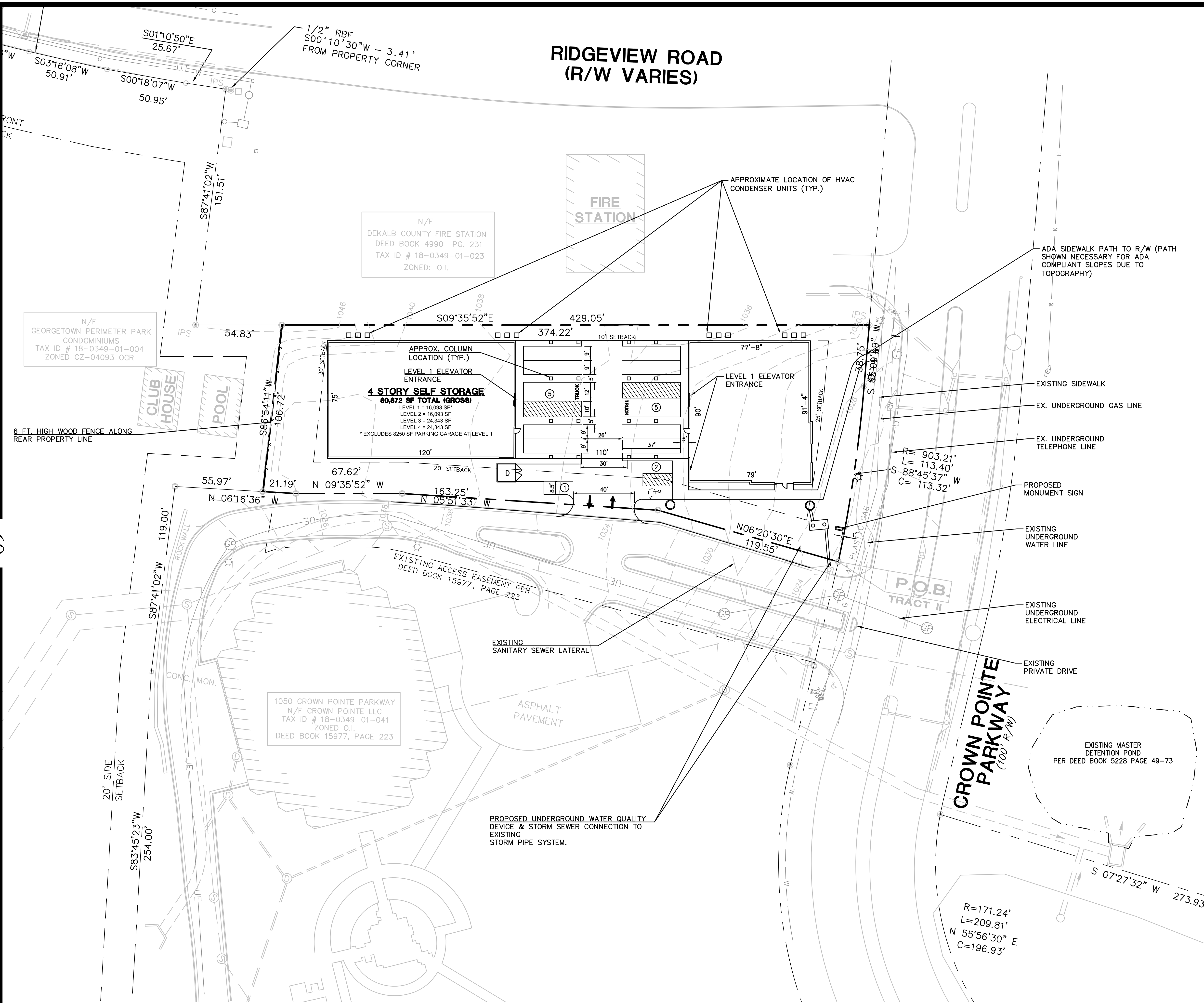
* Applicant / Owner: Nit Neil Partners, LLC

Signature: Tha C. J., attorney for Applicant Date: 3-18-14

Address: 1960 Satellite Blvd., Ste 4000, Duluth GA 30097

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

Date	Government Official	Official Position	Description	Amount



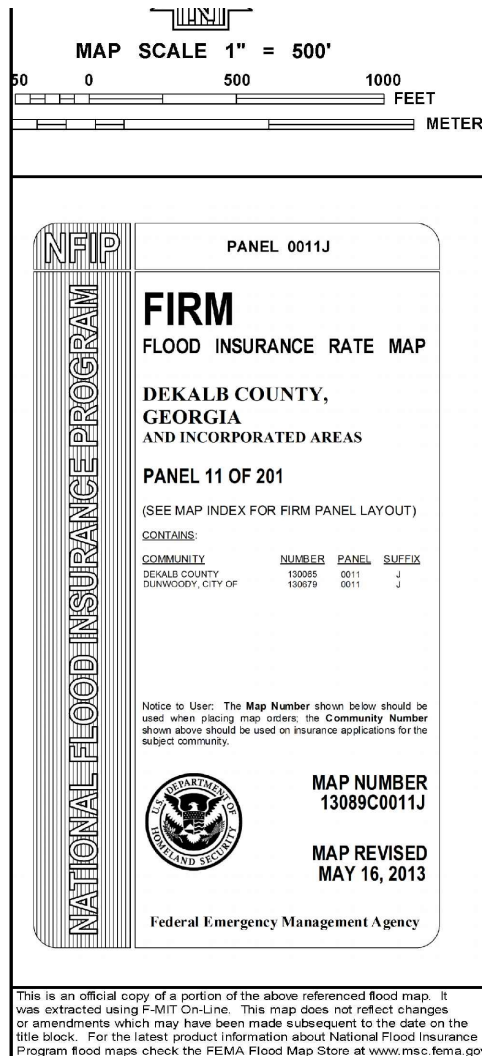
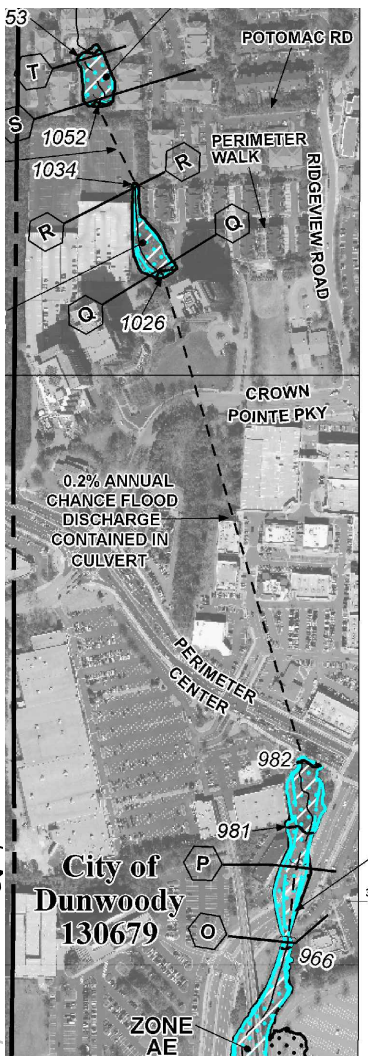
LOCATION MAP
NOT TO SCALE

NOTES

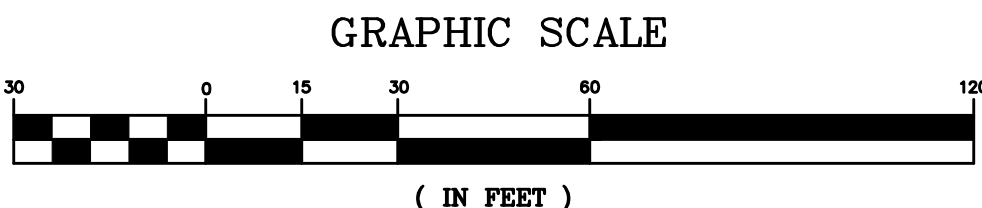
- CURRENT ZONING: 0-1 (CONDITIONAL)
PROPOSED ZONING: 0-D
 - REAR AND WEST SIDE SETBACKS BASED ON 0-D ZONING. FRONT AND EAST SIDE SETBACKS BASED ON APPROVED VARIANCES PER CASE# AV-0714133. PROPOSED FRONT SETBACK SUBJECT TO APPROVAL OF ADMINISTRATIVE VARIANCE FOR A 10% SETBACK REDUCTION.
 - SITE AREA: 1.01938 ACRES
1274 CROWN POINTE PARKWAY
LAND LOT 349, DISTRICT 18, TAX ID: 0349-01-003
LOT IS CURRENTLY VACANT
 - PROPOSED 4 STORY 80,872 S.F. SELF STORAGE BUILDING.
 - PARKING PROPOSED:
13 TOTAL SPACES (INCLUDING 1 ADA AND 2 LOADING SPACES)
- INDUSTRY TRADE ORGANIZATION DATA OF AVERAGE NUMBER OF SPACES AT A SELF STORAGE FACILITY BASED ON 2012 SELF STORAGE ALMANAC
- A. SOUTHEAST REGION: 10.9 SPACE AVERAGE
B. NO. OF UNITS: 10.3 SPACE AVERAGE
C. RENTABLE SQUARE FOOTAGE: 10.2 AVERAGE
D. MARKET AREA: SUBURBAN - 11.5 AVERAGE
E. FACILITIES BUILT AFTER 2006 - 12.1 AVERAGE
- CITY OF ATLANTA CODE REFERENCE: 1 SPACE PER 50 UNITS + 1 SPACE PER EMPLOYEE ON PEAK SHIFT.
A. 562 UNITS @ 1 SPACE/50 UNITS = 11.24 OR 12
B. 2 EMPLOYEES @ PEAK SHIFT = 2 SPACES
CITY OF ATLANTA CODE WOULD REQUIRE 14 SPACES
- MAXIMUM IMPERVIOUS AREA ALLOWED: 80%
PROPOSED IMPERVIOUS AREA: 77%
 - ACCORDING TO THE SURVEY, THIS SITE DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO NATIONAL FLOOD INSURANCE REPORT COMMUNITY PANEL NO: 13089 C 0011 J, DATED 05-16-2013

LEGEND FOR PROPOSED IMPROVEMENTS

- PROPOSED BUILDING
- PROPOSED CURB AND GUTTER
- PAINTED TRAFFIC DIRECTION ARROW
- PROPOSED PARKING SPACES
- STANDARD DUTY CONCRETE PAVEMENT



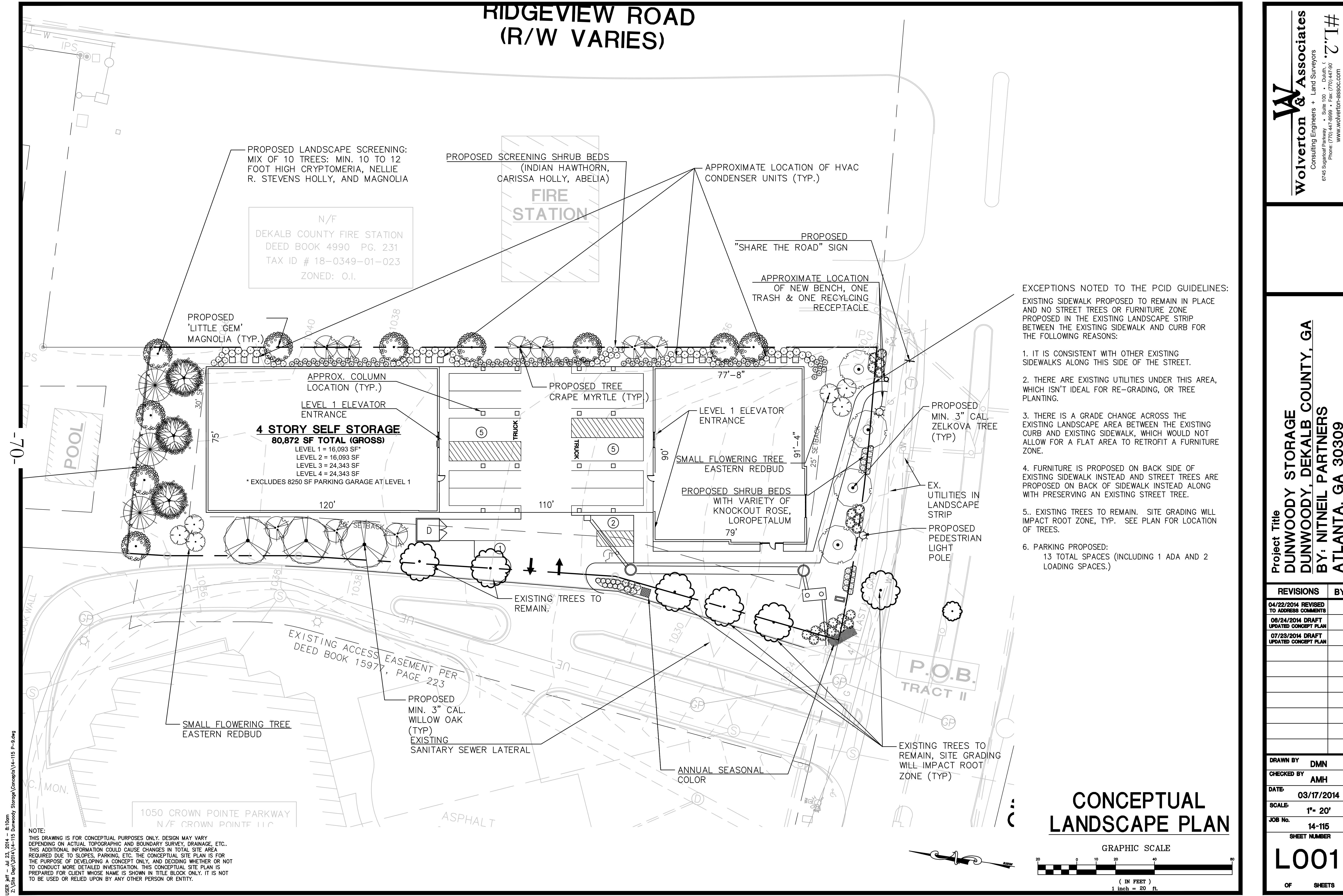
CONCEPTUAL SITE PLAN



NOTE:
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DESIGN MAY VARY DEPENDING ON ACTUAL TOPOGRAPHIC AND BOUNDARY SURVEY, DRAINAGE, ETC.. THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA REQUIRED DUE TO SLOPES, PARKING, ETC. THE CONCEPTUAL SITE PLAN IS FOR THE PURPOSE OF DEVELOPING A CONCEPT ONLY, AND DECIDING WHETHER OR NOT TO CONDUCT MORE DETAILED INVESTIGATION. THIS CONCEPTUAL SITE PLAN IS PREPARED FOR CLIENT WHOSE NAME IS SHOWN IN TITLE BLOCK ONLY. IT IS NOT TO BE USED OR RELIED UPON BY ANY OTHER PERSON OR ENTITY.

NOTE:
COLUMN LOCATION LAYOUT SHOWN IS CONCEPTUAL AND SUBJECT TO REVIEW AND DESIGN BY A STRUCTURAL ENGINEER.

REVISIONS	BY
04/22/2014 REVISED TO ADDRESS COMMENTS	
06/21/2014 REVISED TO ADDRESS COMMENTS	
08/24/2014 DRAFT UPDATED CONCEPT PLAN	
07/16/2014 DRAFT UPDATED CONCEPT PLAN	
07/23/2014 DRAFT UPDATED FOOTPRINT & SF	



RIDGEVIEW ROAD
(R/W VARIES)

PROPOSED LANDSCAPE SCREENING:
MIX OF 10 TREES: MIN. 10 TO 12
FOOT HIGH CRYPTOMERIA, NELLIE
R. STEVENS HOLLY, AND MAGNOLIA

PROPOSED SCREENING SHRUB BEDS
(INDIAN HAWTHORN,
CARISSA HOLLY, ABELIA)

APPROXIMATE LOCATION OF HVAC
CONDENSER UNITS (TYP.)

N/F
DEKALB COUNTY FIRE STATION
DEED BOOK 4990 PG. 231
TAX ID # 18-0349-01-023
ZONED: O.I.

FIRE
STATION

PROPOSED
"SHARE THE ROAD" SIGN

APPROXIMATE LOCATION
OF NEW BENCH, ONE
TRASH & ONE RECYCLING
RECEPTACLE

PROPOSED
'LITTLE GEM'
MAGNOLIA (TYP.)

APPROX. COLUMN
LOCATION (TYP.)
LEVEL 1 ELEVATOR
ENTRANCE

4 STORY SELF STORAGE
80,872 SF TOTAL (GROSS)
LEVEL 1 = 16,093 SF*
LEVEL 2 = 16,093 SF
LEVEL 3 = 24,343 SF
LEVEL 4 = 24,343 SF
* EXCLUDES 8250 SF PARKING GARAGE AT LEVEL 1

PROPOSED TREE
CRAPE MYRTLE (TYP.)

LEVEL 1 ELEVATOR
ENTRANCE

SMALL FLOWERING TREE
EASTERN REDBUD
PROPOSED SHRUB BEDS
WITH VARIETY OF
KNOCKOUT ROSE,
LOROPETALUM
79'

PROPOSED
MIN. 3" CAL.
ZELKOVA TREE
(TYP.)

EX.
UTILITIES IN
LANDSCAPE
STRIP
PROPOSED
PEDESTRIAN
LIGHT
POLE

EXISTING TREES TO
REMAIN

EXISTING ACCESS EASEMENT PER
DEED BOOK 15977, PAGE 223

PROPOSED
MIN. 3" CAL.
WILLOW OAK
(TYP.)
EXISTING
SANITARY SEWER LATERAL

SMALL FLOWERING TREE
EASTERN REDBUD

ANNUAL SEASONAL
COLOR

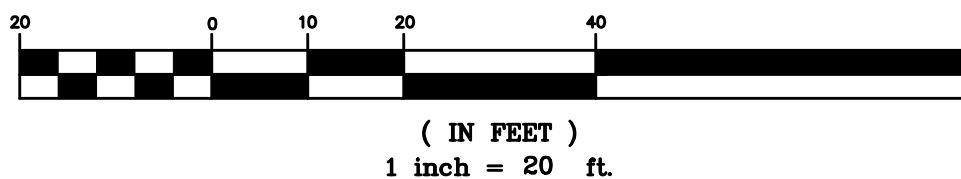
EXISTING TREES TO
REMAIN, SITE GRADING
WILL IMPACT ROOT
ZONE (TYP.)

EXCEPTIONS NOTED TO THE PCID GUIDELINES:
EXISTING SIDEWALK PROPOSED TO REMAIN IN PLACE
AND NO STREET TREES OR FURNITURE ZONE
PROPOSED IN THE EXISTING LANDSCAPE STRIP
BETWEEN THE EXISTING SIDEWALK AND CURB FOR
THE FOLLOWING REASONS:

1. IT IS CONSISTENT WITH OTHER EXISTING
SIDEWALKS ALONG THIS SIDE OF THE STREET.
2. THERE ARE EXISTING UTILITIES UNDER THIS AREA,
WHICH ISN'T IDEAL FOR RE-GRADING, OR TREE
PLANTING.
3. THERE IS A GRADE CHANGE ACROSS THE
EXISTING LANDSCAPE AREA BETWEEN THE EXISTING
CURB AND EXISTING SIDEWALK, WHICH WOULD NOT
ALLOW FOR A FLAT AREA TO RETROFIT A FURNITURE
ZONE.
4. FURNITURE IS PROPOSED ON BACK SIDE OF
EXISTING SIDEWALK INSTEAD AND STREET TREES ARE
PROPOSED ON BACK OF SIDEWALK INSTEAD ALONG
WITH PRESERVING AN EXISTING STREET TREE.
5. EXISTING TREES TO REMAIN. SITE GRADING WILL
IMPACT ROOT ZONE, TYP. SEE PLAN FOR LOCATION
OF TREES.
6. PARKING PROPOSED:
13 TOTAL SPACES (INCLUDING 1 ADA AND 2
LOADING SPACES.)

CONCEPTUAL
LANDSCAPE PLAN

GRAPHIC SCALE



NOTE:
THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DESIGN MAY VARY
DEPENDING ON ACTUAL TOPOGRAPHIC AND BOUNDARY SURVEY, DRAINAGE, ETC..
THIS ADDITIONAL INFORMATION COULD CAUSE CHANGES IN TOTAL SITE AREA
REQUIRED DUE TO SLOPES, PARKING, ETC. THE CONCEPTUAL SITE PLAN IS FOR
THE PURPOSE OF DEVELOPING A CONCEPT ONLY, AND DECIDING WHETHER OR NOT
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PREPARED FOR CLIENT WHOSE NAME IS SHOWN IN TITLE BLOCK ONLY. IT IS NOT
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REVISIONS	BY
04/22/2014 REVISED TO ADDRESS COMMENTS	
06/24/2014 DRAFT UPDATED CONCEPT PLAN	
07/23/2014 DRAFT UPDATED CONCEPT PLAN	

Tree Sample Board for NitNeil Partners



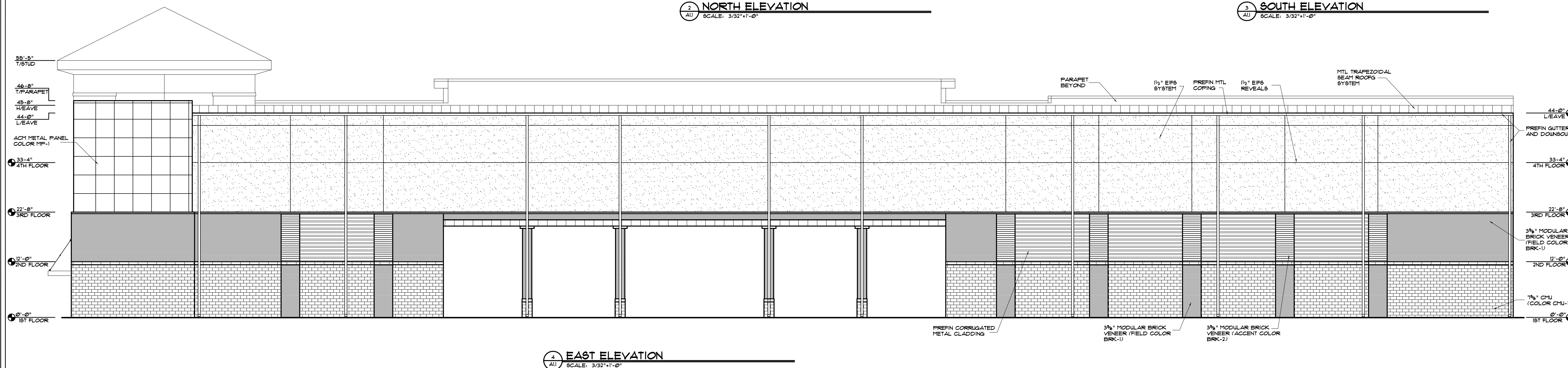
Magnolia



Cyrtomeria

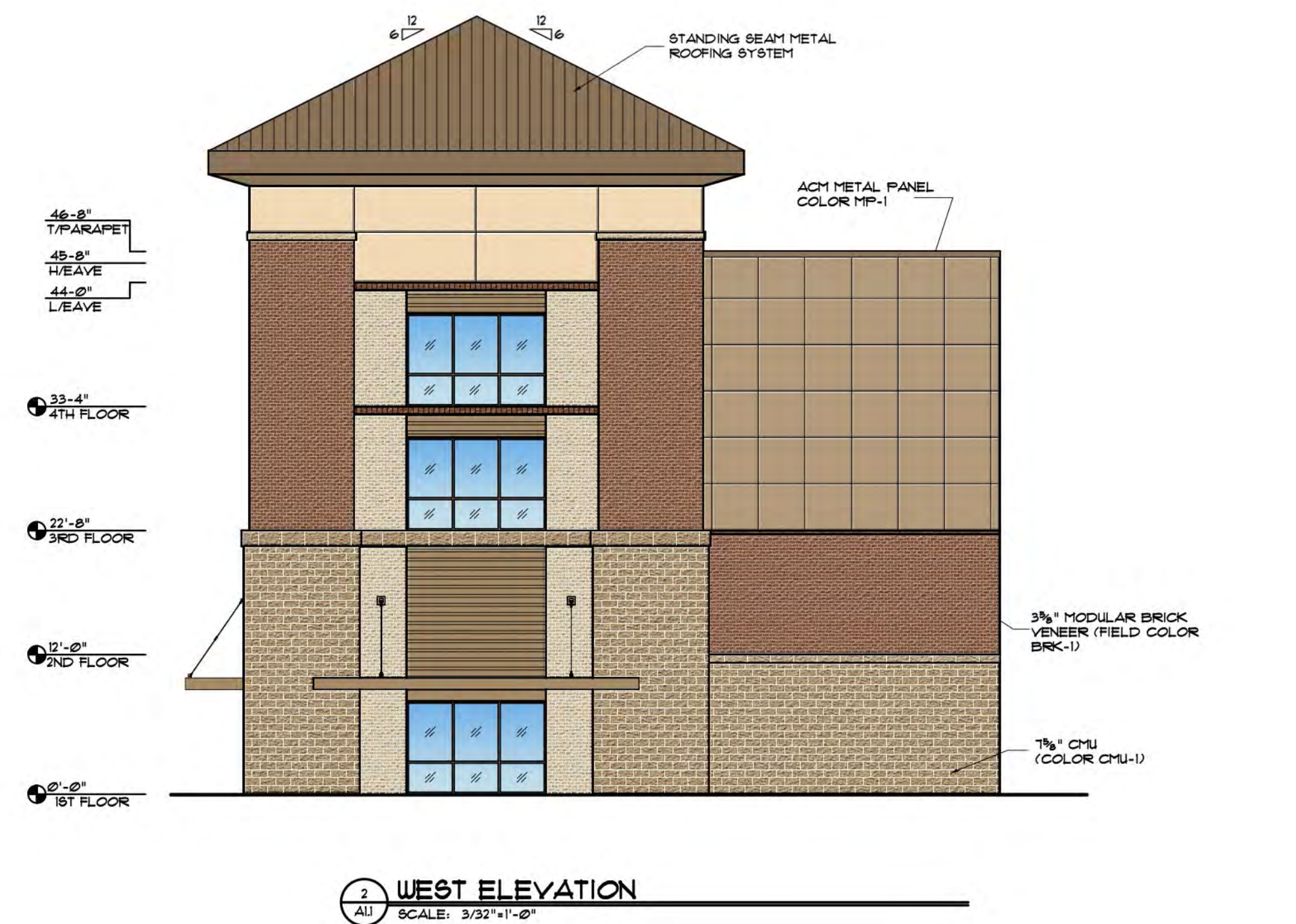


Nellie Stevens Holly





1 SOUTH ELEVATION
SCALE: 3/32"=1'-0"



2 WEST ELEVATION
SCALE: 3/32"=1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF STINARD ARCHITECTURE, INC. AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF STINARD ARCHITECTURE, INC. THESE DRAWINGS WERE PREPARED FOR THE USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH THE ISSUE DATE AND ARE NOT TO BE USED FOR ANY OTHER SITE OR AT A LATER TIME. ALL DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR AND THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION. DO NOT SCALE DRAWINGS.

Dunwoody Self Storage
Crown Pointe Parkway
Dunwoody GA

STINARD
ARCHITECTURE,
INC.



322 EAST MAIN STREET
DUNWOODY, GA 30340
770-263-2444
STINARDARCH.COM

REVISIONS

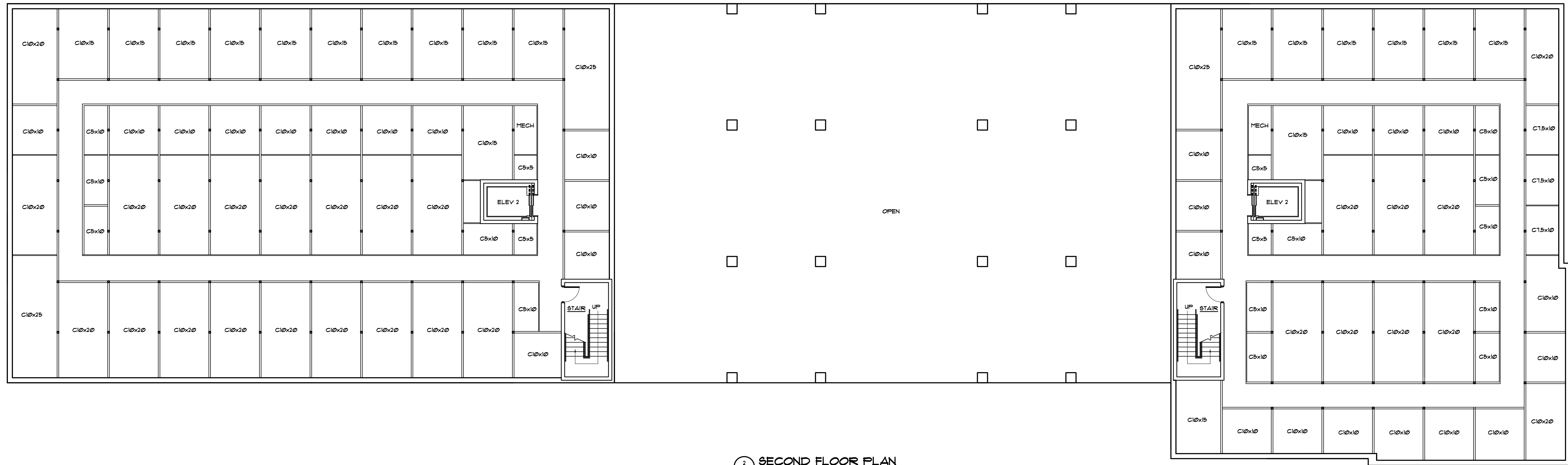
PROJECT NUMBER
2014
DATE
4-16-14

SHEET NUMBER

A1.1#
L.2.



1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0" APPROX 81,084 SF



2 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF STINARD ARCHITECTURE, INC. AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF STINARD ARCHITECTURE, INC. THESE DRAWINGS ARE PREPARED FOR THE USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH THIS PROJECT. ANY REUSE OF THESE DRAWINGS FOR ANY OTHER SITE OR AT A LATER TIME, ALL DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR AND THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION. DO NOT SCALE DRAWINGS.

Dunwoody Self Storage
Crown Pointe Parkway
Dunwoody GA



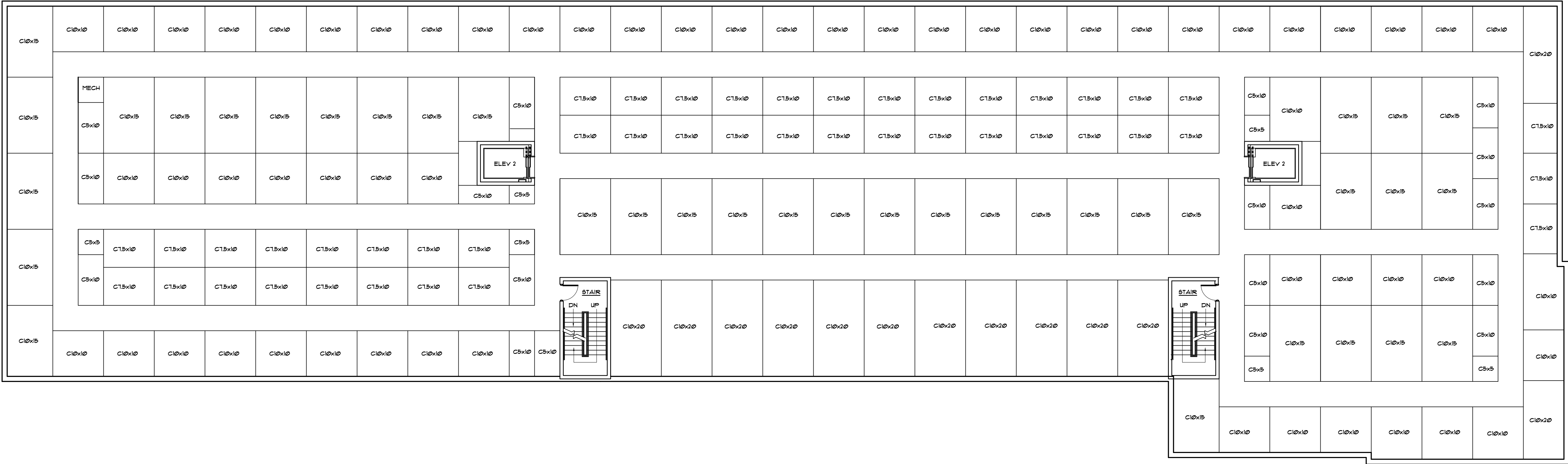
322 EAST MAIN STREET
CARTERSVILLE GA 30020
770-425-7400 (F) 770-425-7444
STINARDARCH.COM

REVISIONS

PROJECT NUMBER
2014
DATE
7-18-14

SHEET NUMBER

A1.2



1 THIRD AND FOURTH FLOOR PLAN
A13 SCALE: 1/8"=1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF STINARD ARCHITECTURE, INC. AND SHALL NOT BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE ARCHITECT'S PERMISSION. THEY WERE PREPARED FOR THE USE ON THIS SPECIFIC SITE IN CONJUNCTION WITH THIS PROJECT. ANY REUSE OF THESE DRAWINGS FOR ANY OTHER SITE OR AT A LATER TIME, ALL DIMENSIONS MUST BE VERIFIED BY THE CONTRACTOR AND THE ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. PROCEED WITH CONSTRUCTION, DO NOT SCALE DRAWINGS.

Dunwoody Self Storage
Crown Pointe Parkway
Dunwoody GA



322 EAST MAIN STREET
CARTERSVILLE, GA 30020
770-425-7400 (F) 770-425-7444
STINARDARCH.COM

REVISIONS

PROJECT NUMBER
2014
DATE
7-18-14

SHEET NUMBER

A1. #1.
7.2.

Dunwoody Self Storage

Stinard Architecture, Inc.
7/23/2014

SF per Unit		25	50	75	100	150	200	250	300	
Conditioned Storage:										
1st Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		2	17	3	21	17	24	3	0	87 Total Units
Total SF	16,093	50	850	225	2,100	2,550	4,800	750	0	11,325 Net Rentable
2nd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		4	13	3	26	19	27	3		95 Total Units
Total SF	16,093	100	650	225	2,600	2,850	5,400	750	0	12,575 Net Rentable
3rd Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
4th Floor	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
Units		6	17	45	59	37	13	0	0	177 Total Units
Total SF	24,343	150	850	3,375	5,900	5,550	2,600	0	0	18,425 Net Rentable
Total	Gross SF	5x5	5x10	7.5x10	10x10	10x15	10x20	10x25	10x30	Total
		18	64	96	165	110	77	6	0	536 Total Units
Total SF	80,872	450	3,200	7,200	16,500	16,500	15,400	1,500	0	60,750 Net Rentable
% Units		3%	12%	18%	31%	21%	14%	1%	0%	100%

113 Ave SF/Unit
75% Efficiency

Office SF 777 SF

Parking area on 1st and 2nd floors are not included in the SF

Note: Unit sizes indicated are nominal, and are subject to variation.

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE (770) 822-9680
www.atclawfirm.com

Marian C. Adeimy
Direct Phone: (678) 518-6855
Direct Fax: (770) 236-9702

Email: madeimy@atclawfirm.com

Applicant NitNeil Partners, LLC's Letter of Intent in Support of a Rezoning and Request for an Amendment to the Zoning Map, Request for Special Land Use Permit, and related Variance Requests

The Applicant, NitNeil Partners, LLC (hereafter, collectively the "Applicant"), submits this Application for rezoning and Amendment to the Zoning Map and Ordinance for the City of Dunwoody, Georgia, Special Land Use Permit, and requested variances for the vacant property, being 1.019 acres, Land Lot 349 of the 18th District of DeKalb County, Georgia, located at 1274 Crown Pointe Parkway, Dunwoody, Georgia (hereinafter, the "Property").

Request for Rezoning

The Property is currently zoned OI-C, Office-Institutional, with conditions, as rezoned on August 26, 2008 for a six-story hotel use. The Applicant seeks to rezone the Property to O-D, Office-Distribution, to develop the Property as a quality retail, climate-controlled self-storage use. The Applicant is experienced in developing similar storage uses throughout the country, including recent and current projects in Chattanooga, TN, Cary, NC, and in Inman Park (Atlanta). As recently presented by the Atlanta Regional Commission, the future growth of the Perimeter Center area includes a number of mixed-use projects, new corporations, and transitional, retirement, and multi-family housing options, all of which will require and benefit from a convenient self-storage option, with little to no impact on the surrounding uses.

The Property is located across the street from the Perimeter Center mixed-use development, zoned OCR. The property, office, and retail uses located across Perimeter Center West are zoned O-I and C-1, with a similar mix of office and commercial uses. The adjacent property includes a fire station and the Crown Pointe office building, both zoned O-I. In addition to the proposed driveway, it is understood that the Property also shares a private driveway easement with the Crown Pointe office building. The Applicant proposes a buffer and landscaping adjacent to the rear condominium property, zoned OCR, and access to the property can only be reached from Crown Pointe Parkway. The Applicant is in the process of contacting the neighboring condominium association, Crown Pointe property owner(s), and fire station contact to address and discuss the rezoning, special land use permit, and variance requests. The Applicant is flexible as to design and other details and looks forward to any input received.

The 2010 Comprehensive Plan specifically identifies the subject property for Office/Retail/Commercial uses, making the requested special use entirely consistent with the Land Use Plan. As reflected in the Comprehensive Plan, the Perimeter Center area is intended to support a true mixed-use area. As historically supported by infrastructure and services, including climate-controlled self-storage uses, "[t]he area creates the conditions of possible true "live-work" environment." Like the concept renderings and proposed materials and design, "[a]ll future development continues to emphasize high quality design standards and building materials and incorporates the current national best practices on energy efficiency, where possible."

In further support of the proposed self-storage use, the Comprehensive Plan states that the City of Dunwoody "recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations." The proposed storage use further supports the identified Transition, High-Density mixed-use, and Transit Village sub-areas within the Perimeter Center CID. The proposed, quality storage use will support the influx of businesses and residents, and promotes flexible growth consistent with the high-density nature of Perimeter Center.

The Applicant specializes in similar quality, self-storage uses. Two samples of prior storage developments are enclosed with this application. While they are flexible as to the design and materials, the Applicant proposes a similar quality development for this Property. The proposed use would also be designed to meet the Perimeter Center CID and City of Dunwoody's development standards and would be entirely consistent with the existing commercial, retail, and office corridor in which it is located. The Applicant proposes a site plan that is also in compliance with many of the existing conditions.

While creating additional tax revenue, self-storage facilities are a quiet, low-impact use. The proposed use will generate far less traffic than office, retail, or the previously approved hotel use. The Property is located on a secondary road with easy access to multiple routes and major roads, including I-285 and Georgia 400, with little to no impact on traffic. The property's close proximity to offices, multi-family, and future mixed-use plans makes the proposed use ideal in that it will serve those customers with minimal impact on traffic, existing congestion, and neighboring uses.

The concept site plan provides efficient circulation for ingress/egress, and allows for interparcel access. The Applicant's engineer, Wolverton & Associates, has reviewed access, the turning radius and parking to ensure that there is adequate industry standard parking, ingress, egress and space to accommodate the proposed use during peak hours. Circulation is shown on the proposed site plan, with one entrance and two options for existing the site. Additionally, because customer access takes place primarily after work hours or on weekends, the proposed storage use will have little to no impact on existing traffic.

Special Land Use Permit Request

In conjunction with and in addition to the requested climate-controlled storage use permitted in the O-D zoning district, the Applicant also requests a Special Land Use Permit to provide for a four-story building. The Applicant believes this height request is consistent with the high rise buildings in the area, as well as the previously approved six-story hotel use. As reflected on the concept site plan, the Applicant plans on a 4-story, 84,600 square foot building, with a rental office and restrooms located at the front of the building. The remainder of the building will house private storage units, hallways, stairwells, and two large-scale elevators located at the front entrance, on level one, and the rear entrance, on level two. The existing topography provides for two ground-level entrances, promoting internal circulation and providing an added benefit to customers.

In further support of this request is the existing precedent and zoning conditions previously placed on this property in 2005 (allowing for a 4-story building) and in 2008 (SLUP 07-14033 and AV 07-14133) and allowing for a six-story hotel, a reduced front setback to 25 feet, and a reduced side setback from 20 to 10 feet, and reducing parking from 150 to 108 spaces.

The Applicant is also planning on filing a Variance Application, contingent on the approval of this rezoning and SLUP requests. The requested variances under the O-D zoning requirements include a variance request from the side setback requirements adjacent to the fire station, from 20 to 10 feet; a variance reducing the front setback to 20 feet from 75 feet required under O-D (compare to the 50 foot front setback required under O-I and OCR); and a variance to reduce parking space requirements due to the proposed use and limited, intermittent customer activity. The Applicant will submit trade organization parking data to support that requested variance and the minimal parking required.

The proposed use is consistent with the Comprehensive Plan for the City of Dunwoody, which identifies the Property as commercial, office, and mixed-use, and is consistent with the intent of the Zoning Ordinance for O&D uses. The property also has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a major state highway. The Property has remained undeveloped due to its size, shape and location, and the current zoning district and conditions make the Property unmarketable with no reasonable, economic use.

The Applicant respectfully requests that the Mayor, City Council, Planning Commission, staff, and Zoning Board of Appeals recommend and approve the Applicant's requests for Amendment to rezone, Special Land Use Permit, and the stated Variances, to allow the property owner and Applicant to use the Property, and to minimize any impact on the surrounding area. The requested variances and proposed use effectively down-zone the subject property to a less intense use than the previously-approved hotel use, while providing the Applicant and property owner with a viable, economic use.

Constitutional and Statutory Justifications

The portions of the Zoning Ordinance for the City of Dunwoody which classify or condition the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Dunwoody Zoning Ordinance, as applied to the Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the property owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant and property owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for development subject only to the approval of the requested rezoning amendment, special land use permit, and variances hereby requested by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of any of the requested variances would constitute an arbitrary and capricious act by the Mayor, Council, and/or Zoning Board of Appeals without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Mayor, Council, and/or Zoning Board of Appeals to approve the Applicant's and property owner's requested rezoning amendment, special land use permit, and variances, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning, special land use permit, or variance related to the Property subject to conditions which are different from the requested variances and conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

Conclusion

Thank you for your time and consideration of the Applicant's requests. Approval of these requests will result in a high-quality storage option for Dunwoody and Perimeter Center businesses and residents. The Applicant and its representatives welcome the opportunity to meet with the Mayor, Council, Planning Commissioners, ZBA, Director and Community Development staff to answer any questions. The Applicant respectfully requests your approval of these Applications.

Respectfully submitted this 18 day of March, 2014.

One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097



Marian C. Adeimy
Attorney for Applicant

**APPLICANT NITNEIL'S RESPONSE IN SUPPORT OF
APPLICANT'S REQUEST FOR REZONING (AMENDMENT TO ZONING MAP)**

(A) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN:

Yes. The 2010 Comprehensive Plan identifies the subject property for Office/Retail/Commercial uses, making the requested special use entirely consistent with the Land Use Plan.

As reflected in the Comprehensive Plan, the Perimeter Center area is intended to support a true mixed-use area. As historically supported by infrastructure and services, including climate-controlled self-storage uses, "[t]he area creates the conditions of possible true "live-work" environment." Like the concept renderings and proposed materials and design, "[a]ll future development continues to emphasize high quality design standards and building materials and incorporates the current national best practices on energy efficiency, where possible."

Storage uses historically support high-density, mixed-use areas, as evidenced by the Applicant's recent development of similar, quality storage uses in the high-occupancy areas of Chattanooga, TN and Inman Park (Atlanta). In further support of the proposed storage use, the Comprehensive Plan states that the City of Dunwoody "recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations." The proposed storage use further supports the identified Transition, High-Density mixed-use, and Transit Village sub-areas within the Perimeter Center CID. The proposed, quality storage use will support the influx of businesses and residents, and promotes flexible growth consistent with the transient, high-density nature of Perimeter Center, as set forth in the Comprehensive Plan.

(B) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES:

Yes. The subject property is located in the Perimeter Center office, retail and mixed-use area, near Georgia Highway 400 and I-285, both major thoroughfares and commercial corridors. The proposed climate controlled personal storage facility is consistent with the use and development of adjacent and nearby properties, a majority of which includes high-rise office space, high-rise condominium, and retail. The proposed self storage facility would also be a far less intensive use than traditional commercial/retail uses from the standpoint of generating far less traffic, noise, sewer and other impacts.

The proposed development is appropriate for property located in a major commercial corridor, and is entirely consistent with the use and zoning of the

properties located on this portion of Perimeter Center, including the service and fire station and multiple high-rise office buildings. The requested rezoning, to O-D and surrounded by similar office and commercially zoned property, proposes a use that is ideally suited to and consistent with adjacent and nearby property. The previous zonings as OCR and O&I, for commercial and hotel uses, further support this request.

This request will be an attractive, high-quality and unobtrusive self-storage facility with far fewer adverse impacts than the currently approved office and institutional uses for this property (including the previously approved hotel). In addition to supported mixed-use areas like Perimeter Center, storage facilities are naturally quiet, minimally-utilized uses.

C) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No. The existing narrow configuration and other factors make development of the entire property under the current zoning extremely difficult, if not impossible. Prior projects have fallen through as a result. In light of these factors, the subject property has very little economic value as currently zoned and almost no reasonable economic use.

(D) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed use will have no impact on the adjacent office and fire station uses, used primarily during the day. Self-storage uses are used on a minimal basis, typically after work hours and on weekends. Due to the sporadic customer use, the Applicant is requesting a large parking reduction to accommodate the limited number of vehicles expected, which, in turn, will minimize the impact, if any, on the adjoining properties.

The proposed self-storage facility would also be a far less intensive use than traditional office/commercial/retail uses from the standpoint of generating far less traffic, noise, sewer and other impacts. As the proposed development is appropriate for property, located in a secondary commercial corridor, and is entirely consistent with the use and zoning of the properties located in Perimeter Center. This request will be an attractive, high-quality and unobtrusive self-storage facility with far fewer adverse impacts than the currently approved office and institutional uses for this property (including the previously approved hotel).

- (E) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Yes. (1) the location of the subject property near major roads and a high-density, mixed-use area; (2) the location adjacent to high-rise office uses and fire station; and (3) the size and configuration of the subject property make use and development for anything other than the requested self-storage facility difficult if not commercially impossible.

- (F) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES:

No. The Perimeter Center area is made-up almost entirely of new, high-rise and commercial construction, and the proposed design is intended to be compatible and consistent with the design and aesthetics of the area. In further support of this request is the existing precedent and zoning conditions previously placed on this property in 2005 (allowing for a 4-story building) and in 2008 (SLUP 07-14033 and AV 07-14133) and allowing for a six-story hotel, a reduced front setback to 25 feet, and a reduced side setback from 20 to 10 feet, and reducing parking.

- (G) WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No. The proposed self-storage facility would also be a far less intensive use than traditional office/commercial/retail uses from the standpoint of generating far less traffic, noise, and impact on utilities and sewer. Public water and sewer is readily available as needed and little to no utility infrastructure is required.

The subject property is located in the Perimeter Center office, retail and mixed-use area; on a secondary commercial corridor with ample access and multiple routes to Georgia Highway 400 and I-285, both major thoroughfares and commercial corridors. The requested rezoning will actually have far less impact on existing streets, transportation facilities and utilities than the currently approved office/institutional uses (including the previously proposed hotel and nearby dense, office uses) and will have absolutely no impact on the schools and minimal impact on utilities.

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE (770) 822-9680
www.atclawfirm.com

Marian C. Adeimy
Direct Phone: (770) 822-0900
Direct Fax: (770) 236-9702

Email: madeimy@atclawfirm.com

April 30, 2014

VIA HAND-DELIVERY AND VIA E-MAIL

City of Dunwoody
Mayor Mike Davis and City Council
Attn: Steve Foote, Director of Community Development
41 Perimeter Center East
Dunwoody, GA 30346
E-mail: steve.foote@dunwoodyga.gov

Applicant NitNeil Partners, LLC's Amendment, Supplemental Documents and Exhibits in Support of Application for Rezoning, RZN 2014-284

As requested, please find enclosed and attached the supplemental documents in support of the pending Application for Rezoning and Zoning Amendment, RZN 2014-284, filed by Nitneil Partners, LLC.

The Applicant respectfully requests approval of the pending rezoning and related variance requests, to allow for a quality indoor storage development. The Applicant and its representatives welcome the opportunity to meet and answer any questions.

Respectfully submitted this 30th day of April, 2014.

One Sugarloaf Centre
1960 Satellite Boulevard, Suite 4000
Duluth, Georgia 30097


Marian C. Adeimy
Attorney for Applicant

2067310_1



architectural masonry
units



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(732) 292-2674
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Manufacturing Plant:
Northfield Block Company
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FAX (815) 416-0382

Manufacturing Plant:
Superlite Block
4826 N. 42nd Avenue
Phoenix, AZ 85019
(800) 331-9823
FAX (623) 435-2088

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< Crown Pointe Office Letter in Support > #L.2.

Marian Adeimy

From: Neil Sapra <neil@nitneilpartners.com>
Sent: Friday, July 04, 2014 8:18 AM
To: Marian Adeimy; Nitesh Sapra
Subject: Fwd: RE: Crown Pointe Development - Revised Site Plan

Marian

See below. Email confirmation of the office neighbor's support for our project.

Regards,

Neil Sapra

----- Original message -----

From: "Panos, Stephen"
Date: 06/27/2014 1:46 PM (GMT-07:00)
To: Nitesh Sapra ,neil@nitneilpartners.com
Cc: Emily Sircy ,Russell Lipscomb , "Whitney, Bob"
Subject: RE: Crown Pointe Development - Revised Site Plan

Thank you Nitesh.

We have reviewed the new design and appreciate your consideration in addressing our concerns. We approve the revised site plan you provided (attached) with your assurance that you'll use your best efforts to minimize disruptions to the existing trees' root line during construction. We will also support modifying the easement agreement to accommodate the new project.

Thank you again for your time and understanding. Let us know if you need anything else.

Thanks,

Steve

Stephen Panos

Assistant Vice President

Central Region


Cornerstone Real Estate Advisers

150 South Wacker Drive, Suite 350

Chicago, Illinois 60606

D: 312.465.1496 | P: 312.465.1500 | F: 312.465.1480

spanos@cornerstoneadvisers.com

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From: Nitesh Sapra [mailto:nitesh@nitneilpartners.com]
Sent: Tuesday, June 24, 2014 4:00 PM
To: Panos, Stephen; Russell Lipscomb; Whitney, Bob
Cc: neil@nitneilpartners.com; Emily Sircy
Subject: Crown Pointe Development - Revised Site Plan

Gentlemen -

Hope you are all having a great week. Per our conversation last Thursday, please find attached an updated site plan, landscape plan, and sketch which illustrate a revised design scheme for our proposed self storage development. We believe that this new design addresses all of your concerns and is generally more aesthetically pleasing. In reviewing the attached drawings, please take note of the following:

1. This design contemplates 1 curb cut. We have eliminated the rear curb cut and loading area and have replaced it with additional landscaping.

2. Per the landscaping plan, this design maintains the 'parkway' feel by keeping a majority of the existing trees. To further enhance the 'parkway', we are proposing to add 3 large Willow Oak trees along the street

frontage towards the rear of the site. We have maximized the amount of landscaping across the entire site in an effort to further beautify this project.

3. Most of the parking spaces and all of the loading area will be covered. By screening the parking and loading area in this manner, we feel that this design will be much more attractive from Crown Pointe Parkway as well as from the shared drive. Please reference the attached sketch for further detail.

We hope that this revised design completely satisfies all of your concerns. If so, we would greatly appreciate your approval of the site plan and your support modifying the easement agreement. If you have any questions or concerns, we would be more than happy to jump on a call with you this week. Once again, thank you for your responsiveness and we look forward to your feedback.

Kind Regards,

Nitesh Sapra

Principal | **NitNeil Partners**

678.701.9305 (O) | 404.759.3339 (C) | 404.601.6777 (F)

www.nitneil.com

On Thu, Jun 19, 2014 at 2:30 PM, Panos, Stephen <spanos@cornerstoneadvisers.com> wrote:

4pm EST works fine. It will probably just be Bob Whitney and I, so you can call us direct or we can call you.

Stephen Panos

Assistant Vice President

Central Region

#L.2.


Cornerstone Real Estate Advisers

150 South Wacker Drive, Suite 350

Chicago, Illinois 60606

D: 312.465.1496 | P: 312.465.1500 | F: 312.465.1480

spanos@cornerstoneadvisers.com

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From: Nitesh Sapra [<mailto:nitesh@nitneilpartners.com>]
Sent: Thursday, June 19, 2014 12:41 PM
To: Panos, Stephen
Cc: neil@nitneilpartners.com; Emily Sircy; Russell Lipscomb

Subject: Re: Crown Pointe Development

Steve -

Thank you very much for your feedback. Are you available for a 4pm EST call today?

Look forward to speaking.

Nitesh Sapra

404.759.3339

nitneilpartners.com

Sent from my iPhone

On Jun 19, 2014, at 1:19 PM, "Panos, Stephen" <spanos@cornerstoneadvisers.com> wrote:

Nitesh,

We are available for a call today or tomorrow morning (We're out of the office at 12pm EST tomorrow). I've attached your revised landscape plan with our comments for discussion purposes.

Let us know what time works best for you.

Thanks,

Steve

Stephen Panos

Assistant Vice President

Central Region


Cornerstone Real Estate Advisers

150 South Wacker Drive, Suite 350

Chicago, Illinois 60606

D: [312.465.1496](tel:312.465.1496) | P: [312.465.1500](tel:312.465.1500) | F: [312.465.1480](tel:312.465.1480)

spanos@cornerstoneadvisers.com

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DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: August 26, 2008

 HEARING TYPE
PUBLIC HEARING

 ACTION TYPE
ORDINANCE
SUBJECT: **Rezone** – Crown Pointe Land Partners, LLC c/o Dennis Webb, Jr. – Smith, Gambrell & Russell, LLC

COMMISSION DISTRICTS: 1 & 6

DEPARTMENT: Planning

PUBLIC HEARING: YES ☒ NOATTACHMENT: ☒ YES ☐ No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 23

PHONE NUMBER: (404) 371-2155

Deferred from 7/22/08 for decision only.

PURPOSE:**Z-08-14805**

Application of Crown Pointe Partners, LLC c/o Dennis Webb, Jr. - Smith, Gambrell & Russell, LLC to rezone property from OCR (Office-Commercial-Retail) District to O-I (Office-Institutional) District to allow development of a six-story, 120-room hotel. The property is located on Crown Pointe Parkway and contains 5.2 acres.

Subject Property: 18-349-01-003**RECOMMENDATION(S):****PLANNING DEPARTMENT:**

DENIAL. The applicant has not provided the required property owner authorization from the condominium owners who have purchased property in the multifamily development on Tract I of the subject property, as requested by Staff. Instead, the applicant provided authorization by Crown Pointe Realty Partners, which is the developer of the property and interim controller of the condominium association. Therefore, Staff recommends that the application be "Denied".

PLANNING COMMISSION:

Deferral to the BOC, by a vote of 7-0-0. Issues with owner authorization relating to residential units currently sold on the property.

COMMUNITY COUNCIL:

Deferral, contingent on presentation to the Dunwoody Homeowners Association, by a vote of 8-0-0.

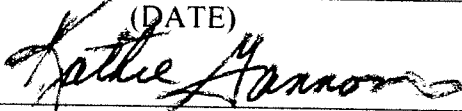
ACTION: H11

Item H-11 was heard before Item H7, but for organizational purposes will remain in sequence.

MOTION was made by Commissioner Gannon, seconded by Commissioner Ellis, and passed 5-0-0-2, to approve based on Commissioner Boyer's recommendation, the rezoning application of Crown Pointe Land Partners, LLC c/o Dennis Webb, Jr. – Smith Gambrell & Russell, LLC. Commissioners Boyer and May were absent and not voting.

ADOPTED: AUG 26 2008

(DATE)

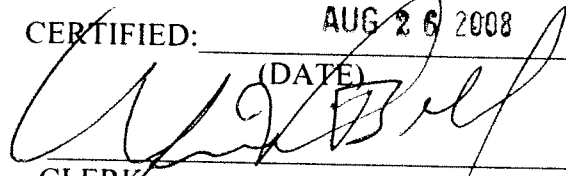


PRESIDING OFFICER

DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: AUG 26 2008

(DATE)



CLERK,

DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: SEP - 8 2008

(DATE)

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETOED: _____

(DATE)

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

Dennis Webb, 1230 Peachtree Street, Atlanta, Ga. 30309, spoke in support at the request of Commissioner Gannon. The item was decision only.

Commissioner Gannon submitted a list of conditions entitled "Exhibit B" to be kept on file in the Clerk's Office..

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER				
DISTRICT 2 - JEFF RADER	X			X
DISTRICT 3 - LARRY JOHNSON	X			
DISTRICT 4 - BURRELL ELLIS	X			
DISTRICT 5 - LEE MAY				
DISTRICT 6 - KATHIE GANNON	X			X
DISTRICT 7 - CONNIE STOKES	X			

CONF. Hull 8, 26, 08
 ITEM NO. Hull
 CLERK'S OFFICE Conn Jones

EXHIBIT "B"

ZONING CONDITIONS FOR (Z-08-14825)
per agenda item case # should read Z-08-14825

1. Developer shall develop the \pm 1.019 acre undeveloped portion of the Subject Property substantially as depicted on the Site Plan, dated July 7, 2008, a copy of which is attached hereto. Developer shall landscape the \pm 1.019 acre undeveloped portion of the Subject Property substantially as depicted on the Landscape Plan, dated July 16, 2008, a copy of which is attached hereto. The Landscape Plan shall comply with the Perimeter Community Improvement District standards for front curb, sidewalks and lighting.
2. The total density of the development for the \pm 1.019 acre undeveloped portion of the Subject Property shall not exceed a 120-room hotel with accessory uses, including but not limited to a restaurant, all as further described in the Rezoning Application. Further, the height of the development on the \pm 1.019 acre undeveloped portion of the Subject Property shall be limited to four hotel floors on top of two levels of parking and common areas.
3. During construction of the \pm 1.019 acre undeveloped portion of the Subject Property, portions of the \pm 1.019 acre undeveloped area on the Subject Property that are not being developed or used for staging areas will be landscaped and maintained in an aesthetically pleasing manner.
4. Neon, gas, flashing, animated, sound emitting or rotating signs are prohibited.
5. It is understood that the architectural style of the building proposed for the \pm 1.019 acre undeveloped portion of the Subject Property has not been finalized at this stage, however, the quality of construction, pedestrian orientation and general feel of the development shall be substantially similar to that depicted in the artist rendering attached hereto. The facades of the building may include natural stone; cast stone, precast, limestone stucco, EIFS, pre-fabricated metal or cementitious panels, or brick with aluminum framing. Further, the facade treatment for the parking deck shall be stucco and/or EIFS.
6. Developer will plant ten 10 - 12 foot high screening evergreen trees at the northern boundary of the undeveloped portion of the Subject Property using some combination of the following: Cryptomeria, Nellie R. Stevens (Holly), and Magnolia.
7. The trash facility on the undeveloped portion of the Subject Property will be located in an enclosed structure.
8. The exterior color palette of the structure(s) on the undeveloped portion of the Subject Property will be limited to earth tones.
9. Exhaust fans for the parking garage on the undeveloped portion of the Subject Property will not face north towards the existing townhomes.



LIT1042551.3

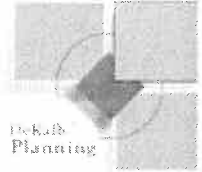


The Honorable Vernon
Jones
Chief Executive Officer

DeKalb County Planning & Development

Department

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404)371-2155 or (404)371-2813 (Fax)



Patrick Ejike
Director

ZONING ANALYSIS

Case No:	Z-08-14805	Agenda #: N-9
Location / Address:	The north side of Crown Pointe Parkway approximately 169 feet from the northwest corner of Crown Pointe Parkway and Ridgeview Road.	Commission District: 1 Super District: 6
Parcel - ID:	18-349-01-003	
Request:	To rezone property from OCR (Office-Commercial Retail) to O-I (Office-Institutional) to allow development of a six-story, 120-room hotel.	
Property Owner:	Crown Pointe Land; Partners Llc	
Applicant / Agent:	Crown Pointe Land Partners, Llc, C/O Smith, Gambrell & Russell Llp	
Acreage:	5.2	
Existing Land Use:	The subject property is currently undeveloped and vacant.	
Surrounding Properties:	To the north, northeast, and northwest, multifamily residential; to the east, a DeKalb County fire station; to the southeast, south, and southwest, retail; to the west, offices.	
Adjacent Zoning:	North: OCR South: OCR East: O-I West: O-I North-East: O-I North-West: O-I South-East: OCR South-West: O-I	
Comprehensive Plan:	Regional Center	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent

Proposed Density / Acre:	100,685sf (Tract II)	Existing Density / Acre:	0 (Tract II)
Proposed Units / Square ft:	88 (Tract I)	Existing Units / Square ft:	88 (Tract I)
Proposed Lot Coverage:	29	Existing Lot Coverage:	25

Zoning History

The subject property is a 5.2-acre portion of a 23.6-acre tract that was rezoned to O-I (Office-Institutional) in 1983 for development of a mixed office, hotel, bank, and retail development (CZ-83149). The subject property was rezoned to OCR in 2004 (CZ-04093). In 2006, a multifamily development was constructed on a 4.19-acre portion of the subject property (Tract I). In 2007, the applicant proposed to construct a hotel on the remaining 1.01-acre portion (Tract II), and requested a special land use permit to exceed the maximum allowed building height (SLUP-07-14033). However, the property did not meet the 10-acre minimum for a hotel in an OCR district. The Board of Commissioners held the SLUP, allowing the applicant time to apply for the rezoning that is under consideration in this staff analysis.

Planning and Development Department Recommendation:

DENIAL: The applicant has not provided the required property owner authorization from the condominium owners who have purchased property in the multifamily development on Tract I of the subject property, as requested by Staff. Instead, the applicant provided authorization by Crown Pointe Realty Partners, which is the developer of the property and interim controller of the condominium association. Therefore, Staff recommends that the application be "Denied".

SITE ANALYSIS

The subject property is a 5.2-acre parcel comprised of two abutting tracts. Tract I, the northern portion of the property, has 4.19 acres. Access to Tract I is from Ridgeview Road, located 169 feet to the east. An 88-unit, 4-story multi-family development with swimming pool, "Georgetown at Perimeter Walk", is under construction on this tract and nearly complete. Tract II has 1.019 acres, fronts on Crown Pointe Parkway, and is undeveloped. The topography of the both tracts is level. One mature tree is growing on Tract II, next to the sidewalk that extends along the front of the site.

The Crown Pointe Office Park is located on the adjoining property to the west, and includes an office building that exceeds 30 stories. A DeKalb County fire station is located on the adjoining property to the east. Multifamily residential development is located to the north.

PROJECT ANALYSIS

The applicant requests to rezone property from OCR (Office Commercial Residential) to O-I (Office-Institutional) to allow construction of a six (6)-story, 120-room hotel on Tract II. The footprint of the hotel structure would be 20,137 square feet so that, at six stories, the total square footage of the hotel is calculated to be approximately 120,822 square feet.

The submitted site plan indicates that the hotel faces Crown Pointe Parkway and has a pedestrian entrance from a new, 6-foot wide sidewalk that is proposed to be constructed along the Parkway. It also has a circular vehicular drop-off on its west side that extends from the existing driveway that serves the Crown Pointe Office Park. The hotel would contain underground parking, which would be accessed from a separate curb cut, also from the existing office park driveway. The conceptual landscape plan shows a 6-foot wide landscape strip with street trees between the Crown Pointe Parkway curb and the proposed new sidewalk. The applicant indicates that the landscape strip could be dedicated as a bicycle lane easement when the Perimeter CID plan for bike lanes on streets such as Crown Pointe Parkway is implemented.

The hotel footprint encroaches into the front, rear, and side yard setbacks. The applicant has filed an application for variances from the setback requirements.

CONDITIONS REQUESTED BY APPLICANT

The applicant has not requested any conditions.

ZONING ANALYSIS

The purpose and intent of the OCR district is:

- (a) To provide for economic development within the county through redevelopment of parcels of land which have been used in the past for commercial and light industrial uses but which have become obsolete and now offer an opportunity for establishing new mixed use developments of medium intensity which consist of a combination of office, commercial, and residential uses;
- (b) To promote redevelopment and new development in an environment which is pedestrian-oriented and which provides job opportunities and shopping facilities within the same complex in which multifamily housing is located and thereby reduces dependence on the automobiles; and
- (c) To encourage the conversion of vacant commercial and industrial buildings into residential dwelling units.

The purpose and intent of the O-I district is:

- (a) To provide convenient areas within the county for the location of office and institutional uses which are necessary for the residents and business and professional practitioners with the County;
- (b) To provide locations for the development of cultural, recreational, educational, and health service facilities for the County.

The zoning proposal is suitable at the subject location, given the use of adjoining and surrounding property. The proposed hotel would complement the office and residential uses on the other portions of the Crown Pointe property. Although the 1983 mixed-use development envisioned retail uses for the hotel site,

subsequent development in the Perimeter Regional Center has resulted in a concentration of retail land uses to the south of the subject property, within walking distance of the residences that are nearing completion on Tract I. Construction of a streetscaped sidewalk in front of the hotel and extending along Ridgeview Road will make it convenient for residents to walk to retail uses at and around Perimeter Mall. By replacing the originally-proposed retail uses with a hotel, the applicant has presented a proposal that reflects the current real estate market and, at the same time, results in a combination of land uses that is consistent with the original concept of the project as a mixed-use development.

LAND USE PLAN CONSISTENCY

The property is located within the Perimeter Community Improvement District (CID) and the Perimeter Livable Communities Initiative (LCI) study area, and is designated as a Regional Center in the DeKalb County 2025 Comprehensive Plan. The subject property and all the surrounding properties are designated as part of the Perimeter Regional Center (RC). The Perimeter RC has a high-intensity concentration of offices and commercial (primarily retail) land uses. Several major hospitals are located nearby. The market area for commercial and service land uses is the wider region. As a major employment center in the County, Perimeter has high volumes of vehicular traffic, particularly during peak hours. The nearest mass transit station is located 2 blocks southwest of Perimeter Mall, and the line does not extend as far north as the subject property.

The proposed use is consistent with the policies of the Comprehensive Plan, which encourage a mixture of land uses within regional activity centers. In Chapter 5 Section 4-13, the Plan states the following policies in support of the proposal: "Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services." (LUP2) and "Reinforce and promote existing and the new development of mixed use activity centers that serve a regional market." (LUP3)

ACCESS AND CIRCULATION

The subject property has 113 feet of frontage on the north side of Crown Pointe Parkway. The site plan indicates that vehicular access to the hotel is provided in the form of a circular drop-off driveway that extends from the existing Crown Pointe Office Park driveway, which runs along the shared property line of the two properties on the west side of the project site. Access to underground parking is shown via a separate curb cut, also from this driveway. Pedestrian access is provided by a sidewalk entrance from Crown Pointe Parkway.

NOISE IMPACT

The proposed hotel is not expected to generate objectionable levels of noise.

DEVELOPMENT ANALYSIS

- ENVIRONMENTAL CONSERVATION: If the proposed rezoning is approved, civil engineering plans will be reviewed for compliance with County regulations and best practices regarding grading, vegetation, erosion control, and sedimentation control.
- FLOODPLAINS AND WETLANDS: The site is not located in a floodplain or wetland.
- TREE PROTECTION: Removal of the tree that is growing at the front of the site must comply with the DeKalb County regulations regarding tree preservation and replacement contained in Section 14-39, Tree Protection.
- STORMWATER MANAGEMENT: Where appropriate, permanent easements must be dedicated to the County for operation and maintenance of the public storm drainage facilities. All issues of non-compliance with State and County storm drainage design standards must be mitigated.
- FIRE SAFETY: Location of all new and existing fire hydrants should be shown on construction drawings submitted for permitting. Fire line connections should be placed away from the building.
- TRANSPORTATION: Emergency access to the property appears to be satisfactory.
- PARKING: At a ratio of 1.25 spaces for each unit, 150 spaces are required. For permitting, a plan of the underground parking level must be provided to show circulation pattern and handicap spaces.

DEKALB COUNTY PUBLIC WORKS DEPARTMENT

TRAFFIC: Crown Pointe Parkway appears to have sufficient capacity to accommodate the traffic expected to be generated by the proposed hotel.

Category:

Street Name: Crown Pointe Parkway Ridgeview Road

Existing Number of Lanes: 4 2 0

Trips Generated: **Existing Zoning:** **TPD Proposed Zoning:** **TPD**

WATER:

Size of main serving property: Standard.

SEWER:

Outfall Serving Project: Nancy Creek

Is Sewer adjacent to this property? Y

Treatment Plant: R.M. Clayton WWTP

WASTE GENERATION IF RESIDENTIAL:**DRAINAGE:**

Percentage of this property covered by IRF: None.

COUNTY DEPARTMENT DIVISION COMMENTS OR RECOMMENDATIONS**DIVISION OF ENVIRONMENTAL HEALTH:**

Prior to construction start, the Division of Environmental Health must approve any food service operation in the hotel.

The proposed sidewalk is consistent with the standard recommendation by the Division of Environmental Health to continue any pre-existing sidewalk network.

Radon resistant construction is recommended because DeKalb County is classified as a Zone 1 Radon County.

DEKALB COUNTY BOARD OF EDUCATION**SCHOOL:**

	High School	Middle School	Elementary School
Name of School:	Dunwoody	Peachtree	Chestnut
Recommended Capacity:	1386	1224	476
Latest Enrollments:	1278	1061	525
Student Generated by Existing Zoning:	19	14	29

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to official zoning map" states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the zoning maps:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The proposed use is consistent with the policies of the Comprehensive Plan, which encourages a mixture of land uses within regional activity centers. In Chapter 5 Section 4-13, the Plan states the following policies in support of the proposal: "Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services." (LUP2) and "Reinforce and promote existing and the new development of mixed use activity centers that serve a regional market." (LUP3)

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

The zoning proposal is suitable. The proposed hotel would complement the office and residential uses on the other, adjoining portions of the Crown Pointe property. Although the 1983 mixed-use development envisioned retail uses for the hotel site, subsequent development in the Perimeter Regional Center has resulted in a concentration of retail land uses to the south of the subject property, within walking distance of the residences that are nearing completion on Tract I. Construction of a streetscaped sidewalk in front of the hotel and extending along Ridgeview Road will make it convenient for residents to walk to retail uses at and around Perimeter Mall. By replacing the originally-proposed retail uses with a hotel, the applicant has presented a proposal that reflects the current real estate market and, at the same time, results in a combination of land uses that is consistent with the original concept of the project as a mixed-use development.

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

The property has economic use for a variety of uses that are permitted under its current OCR classification.

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

The proposed hotel might cast shadows on the Georgetown at Perimeter Walk residential development that is nearing completion on Tract I, to the north. However, it is expected that purchasers of units in the Georgetown development are and would continue to be fully aware of this issue, since a sign depicting a high-rise development has been posted on the hotel site for some time, and a savvy buyer is not likely to fail to notice that the site is vacant and ripe for development. No adverse impacts are expected on adjoining properties to the east and west.

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

See item c., above.

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

In view of the concentration of retail uses that have been developed since 1983 on properties to the south, in and around Perimeter Mall, it appears that the site is more suitable for a hotel than retail land uses.

G. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources:

Because there are no historic buildings, sites, districts, or archaeological resources on the subject property, this standard is not applicable.

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

The proposed hotel is not expected to have an impact on the public school system. A shuttle between the nearby Dunwoody MARTA station and the hotel could mitigate vehicular traffic by guests who are traveling between the hotel and the Atlanta airport, as recommended in the zoning conditions. The impact on the water and sewer system and other utilities will be evaluated at a later stage of the permitting process.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATION:

DENIAL: The applicant has not provided the required property owner authorization from the condominium owners who have purchased property in the multifamily development on Tract I of the subject property, as requested by Staff. Instead, the applicant provided authorization by Crown Pointe Realty Partners, which is the developer of the property and interim controller of the condominium association. Therefore, Staff recommends that the application be "Denied".

ATTACHMENTS:

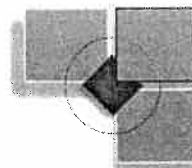
Zoning Analysis
Letter of Intent
Site Plan
Zoning Map
Land Use Map
Pictometry



DeKalb County Planning & Development Department

Vernon Jones
Chief Executive Officer

Patrick Ejike
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z-08-14805

MAY 08 2008

Z/CZ No. _____
Filing Fee: _____

Date Received: _____ Application No.: _____

Applicant: Crown Pointe Land Partners, LLC E-Mail: djwebb@sgrlaw.com

Applicant Mailing Address: c/o Smith, Gambrell & Russell, LLP
1230 Peachtree St., N.E., Atlanta, Georgia 30309

Applicant Phone: 404-815-3620 Fax: 404-685-6920

Owner(s): Crown Pointe Land Partners LLC E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
3455 Peachtree Rd., Suite 770, Atlanta, Georgia 30326

Owner(s) Phone: 404-591-2900 Fax: 404-591-2901

Address/Location of Subject Property: 1274 Crown Pointe Pkwy. / Ridgeview Rd.

District(s): 18 Land Lot(s): 349 Block: 01 Parcel(s): 003

Acreage: 5.2 Commission District(s): 1/6

Present Zoning Category: OCR Proposed Zoning Category: O-I

Present Land Use Category: Towncenter

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

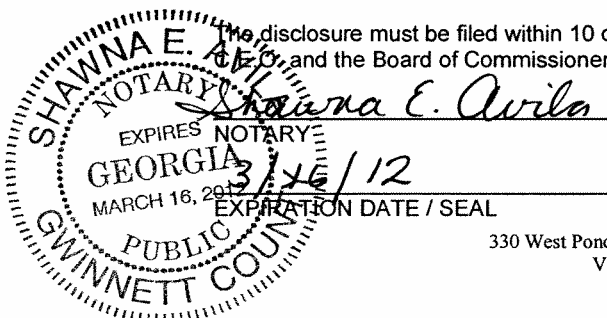
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? _____ Yes X No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the Z.C.D. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



SIGNATURE OF APPLICANT / DATE

Check One: Owner _____ Agent _____

330 West Ponce de Leon Ave, Suite 500, Decatur, GA 30030-3221
Voice (404) 371-2155 Fax (404) 371.2813
www.co.dekalb.ga.us/planning



MORRIS, MANNING & MARTIN LLP
ATTORNEYS AT LAW

July 1, 2008

Mr. Kevin Hunter
Zoning Administrator
DeKalb County Planning and Development Department
330 West Ponce de Leon Avenue
Decatur, Georgia 300303

RE: Rezoning Application for Crown Pointe Land Partners at Crown Pointe Parkway and Ridgeview Road, Dekalb County, Georgia

Dear Mr. Hunter:

I am writing this letter to accompany Crown Pointe Land Partners' (a subsidiary of Atlantic Realty Partners) ("CPLP") application for rezoning from OCR to O&I for ± 5.2 acres of land located in Land Lot 349, 18th District, Dekalb County, Crown Pointe Parkway at Ridgeview Road. In 2005, Atlantic Realty Partners and Crown Pointe Realty Partners, LLC (another subsidiary of Atlantic Realty Partners) had the same property rezoned from O&I to OCR. From that rezoning, Crown Pointe Realty Partners built 88 residential condominium units known as the Georgetown at Perimeter Walk Condominium on one half of the parcel of property. CPLP desires to rezone the entire property in order to build a hotel on the adjacent parcel to the residential condominium. Because the property was initially zoned as one parcel, the property is being rezoned as one parcel.

Crown Pointe Realty Partners is the Declarant of the residential condominium, and as such is in control of the Condominium Association (the "Association"). I am writing this letter as the drafter of the condominium documents which were prepared for the residential condominium, and at the request of the Declarant. The Bylaws of the Association provide that "the affairs of the Association shall be governed by a Board of Directors. During the Declarant Control Period, (which is still ongoing), the Board of Directors shall be composed of one or more persons to be appointed by the Declarant. After the Declarant Control Period, the Board of Directors shall be composed of three (3) persons who shall be elected by Majority vote of all Owners." On behalf of the Declarant, the Declaration of Condominium for Georgetown at Perimeter Walk Condominium was recorded in Deed Book 19568, Page 446, Dekalb County, Georgia records. The Declaration provides that "the Declarant [while] in control of the Board of Directors, without the necessity of a vote from the owners, may amend this Declaration to comply with any applicable state, city or federal law...."

The Declaration and Bylaws give the Declarant the right to control the Board of Directors and comply with requests from governmental authorities. Since the Declarant is in

Atlanta
404.255.6900

5775-C Peachtree-Dunwoody Rd
Suite 150
Atlanta, Georgia 30342
Fax: 404.843.2317

With offices in

Atlanta, Georgia
Washington, D.C.
Charlotte, North Carolina

MORRIS, MANNING & MARTIN, LLP

July 1, 2008

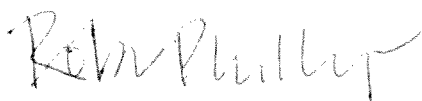
Page 2

control of this Board of Directors and has the ability to make amendments and respond to requests from county authorities on behalf of the Association, the Declarant has the authority to respond to the Dekalb County Planning and Development Department on behalf of the Condominium homeowners.

If you need any further information from me, please do not hesitate to contact me.

Very truly yours,

MORRIS, MANNING & MARTIN, LLP

A handwritten signature in dark ink, appearing to read "Robin Phillips". The signature is written in a cursive, flowing style.

Robin Phillips, Esquire

cc: Dennis Webb
Ben Curran

RECEIVED

JUN 17 2008

DEKALB COUNTY
PLANNING DEPARTMENT

AMENDED STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance

for the

Rezoning Application

of

CROWN POINTE LAND PARTNERS, LLC

For

± 5.2 Acres of Land
located in
Land Lot 349, 18th District, DeKalb County
Crown Pointe Parkway/Ridgeview Road

Submitted for Applicant by:

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

I. INTRODUCTION

This Application seeks to rezone ± 5.2 acres located on Crown Pointe Parkway in Land Lot 349 in the 18th District of DeKalb County (the "Subject Property") from OCR (Office-Commercial-Retail)(Conditional) to O-I (Office-Institutional)(Conditional). ± 1.019 acres of the Subject Property currently is vacant. The remainder houses an 88 unit, multi-family dwelling, consisting of 11 buildings of 4-stories each.

The Applicant plans to develop a six-story hotel on the vacant portion of the Subject Property. The hotel will contain approximately 120 rooms and sit atop a 1.5 story parking garage (which is included in the six-story height calculation). The Applicant constructed the multi-family dwelling in or about 2006 and plans to leave it as is. The development is intended to take advantage of the fact that it is within walking distance of significant restaurant, retail and office uses, including Perimeter Mall, Perimeter Place, Perimeter Center (North), Park Place (East/Southeast) and Perimeter Station (West).

The Applicant made a previous attempt to seek approval to construct the referenced hotel. In or about September 2007, the Applicant filed an application for a Special Land Use Permit to permit development of a six-story hotel on the OCR zoned property (SLUP 14033). In support, the Applicant argued that the ± 1.019 acres on which the hotel was to be constructed was part of a larger planned development of offices, a hotel, a bank and a restaurant totaling ± 23.6 acres and originally rezoned in 1983 (see CZ 83149). Because the Subject Property was originally was intended to be developed as part of the ± 23.6 acre planned development and physically was located amidst that development, the Applicant maintained that the County should consider the Subject Property as "located within a mixed-use development encompassing a minimum of ten (10) acres of land area" as required by the OCR ordinance at 27-538(g)(1).

The Applicant met with County Staff (including the Planning Director and Zoning Administrator) to discuss the SLUP application on several occasions. Ultimately, the Applicant agreed with the Staff to defer the SLUP application and file an application to rezone the Subject Property to the O-I category, as requested herein. The SLUP application was left pending to allow the building height requested once the Subject Property is rezoned. It also will be timely amended to allow the high-rise multi-family development currently on the Subject Property.

The Applicant submits this document as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a Written Justification for the Application as required by the DeKalb County Zoning Ordinance, § 27-832. This document also is intended to address and substantiate the requisite responses to the state "Steinberg Act" O.C.G.A. § 36-67-1 et seq. A Site Plan has been filed contemporaneously with the Application, along with the other required materials.

II. HISTORY

The Subject Property was rezoned to OCR on or about September 29, 2004 (CZ-04093). In or about 2005, a SLUP was granted allowing building heights on the Subject Property up to 4 stories (SLUP-04037) and variances granted to reduce the front and rear yard setbacks and the transitional buffer (A-04186). The Comprehensive Land Use Plan designates the Subject Property as "Regional Center". ± 1.019 acres of the Subject Property is vacant. The remainder houses an 88 unit, multi-family dwelling, consisting of 11 buildings of 4-stories each.

III. IMPACT ANALYSIS

A. The Zoning Proposal is in Conformity with the Policy and Intent of the Comprehensive Plan.

The Subject Property is located in the Regional Center Comprehensive Land Use Plan category, which allows for the development proposed. The Subject Property also adjoins other

property located in the Regional Center category, with intensely developed hotel, multi-family residential, commercial, and mixed-use centers. This request is entirely consistent with this category, as well as with policies which encourage the development of living/working nodes.

The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby sites, in an area which is convenient to many different types of residential uses, hotel, shopping and office uses. The proposed use therefore is suitable vis-à-vis the policies of the County's Comprehensive Plan.

In summary, the proposed development serves to implement specific goals, objectives and policies of the County's Land Use Plan.

B. The Proposed Rezoning Permits Use that is Suitable in View of the Use and Development of Adjacent and Nearby Property.

The Subject Property is in the center of the Perimeter Mall commercial district and is located at the intersection of Crown Pointe Parkway and Ridgeview Road. Development patterns in the area are entirely consistent with the proposed use for this tract. The Subject Property is located within walking distance of Perimeter Mall, a large parcel zoned C-1. Further, it is surrounded by a variety of commercial, hotel, office and residential uses. Notably, it is located adjacent to Perimeter Place, a mixed use development with residential and commercial uses. It also is within walking distance of a number of other office, retail and commercial centers, including Perimeter Center (North), Park Place (East/Southeast) and Perimeter Station (West).

The Applicant also notes that in conjunction with this rezoning application it has filed an application seeking variances to the front yard, rear yard and side yard setbacks because the Subject Property is located in the “urban” core of Perimeter Center. The variances will advance the stated goal of the Perimeter Center Community Improvement District (CID) of bringing

development closer to the street, creating a pedestrian friendly, less transit oriented area. The variances are in no way inconsistent with the character of adjacent and other area properties. In fact, developments in the area have been encouraged to reduce required setbacks and have routinely been granted variances for this purpose.

C. The Parcel Does Not Have a Reasonable Economic Use as Presently Zoned.

As owner of the property, the Applicant respectfully submits that the current zoning classification of and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the property's owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested Special Land Use Permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the use in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the use in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

D. The Proposed Rezoning will not Adversely Affect the Existing Use or Usability of Adjacent or Nearby Property.

The Subject Property is located amidst a densely developed area of commercial, office, hotel and residential uses. To ensure compatibility with those uses, the Applicant has reviewed the planning files of DeKalb County and conditions will be imposed which reflect typical requirements for similar area rezonings. Additionally, the Applicant has met several times with the Dunwoody Homeowners Association to review the proposed development and anticipates negotiating a set of conditions with it as well. It bears noting, however, that the Dunwoody Homeowners Association expressed its support for the previous SLUP application (SLUP 14033)--which sought the same hotel this application contemplates—in writing to the County.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or

adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Several of these devices have been utilized in this application.

E. The Parcel Does Not Have a Reasonable Economic Use as Currently Zoned.

See Section C above.

F. Other Existing or Changing Conditions Affecting the Use and Development of the Property.

The Subject Property is in the center of Perimeter Center, an area of expanding office, commercial, retail and residential development. Located off of the important Crown Pointe Parkway, the Subject Property is ideally located to take advantage of the area's urban live/work/play environment. Undoubtedly, it will reduce the need for residents and hotel guests to come to or leave Perimeter Center by automobile. It also will develop a vacant parcel.

The proposed use is completely suitable in light of its adjacent and nearby developments and uses. Moreover, the Comprehensive Land Use Plan expressly supports an appropriate mix of uses within easy commuting distance of expanded employment centers. This mix is especially important in the Perimeter Center area where market factors and location economics encourage co-location of new development near the existing nodes.

The zoning requested here conforms to the ideals and spirit of the revised DeKalb County Zoning Ordinance while developing a practical, useful and marketable development that will redevelop the Subject Property into an asset for the immediate area and the county as a whole.

G. The Zoning Proposal will not Adversely Affect Historic Buildings, Sites, Districts, or Archaeological Resources.

Applicant know of no such historic or archaeological resources on or around the Subject Property.

H. Adequacy of the Public Street on which the Use is Proposed to be Located and Whether or Not There is Sufficient Traffic-Carrying Capacity for the Use Proposed So as Not to Unduly Increase Traffic and Create Congestion in the Area.

As alluded to above, ±4 acres of the hotel on the Subject Property already has been developed with 88 multi-family units. The current zoning proposal will not increase the traffic generated by this element of the development in any way. Further, the Subject Property already is zoned OCR, so the proposed zoning should have no more or less effect on traffic than the current zoning.

The primary ingress/egress for the Subject Property is provided on Crown Pointe Parkway with ready access to Perimeter Center West. This roadway has been adequately handling traffic since at least 1991. Notably, traffic counts have revealed a fairly stable number of vehicles using the nearest major thoroughfare (Ashford-Dunwoody Road) over the past 10 years, despite the increases in commercial, residential and office development in the Perimeter Center area.

According to the ITE Trip Generation Manual (Seventh Edition), the hotel on the Subject Property, at full capacity, will generate 67 trips in the a.m. peaks and 68 in the p.m. peak hours. The roadways in the area are sufficient to handle this modest load. Additionally, it should be noted that a primary goal of this development is to provide hotel space within walking distance of MARTA and the considerable office space in the area allowing the business traveler to visit the area without the need for a car.

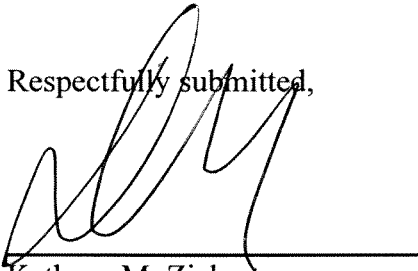
The site is served by an existing water main on Perimeter Center West and the R.M. Clayton W.T.F., both of which have sufficient capacity to handle the additional use. All other services, facilities and utilities are also available to serve the use contemplated.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 17th day of June, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn M. Zickert', is written over a horizontal line.

Kathryn M. Zickert
Dennis J. Webb, Jr.

Attorneys For Applicant

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JUN 1 2008

DEKALB COUNTY
PLANNING DEPARTMENT

-115-



Site Plan

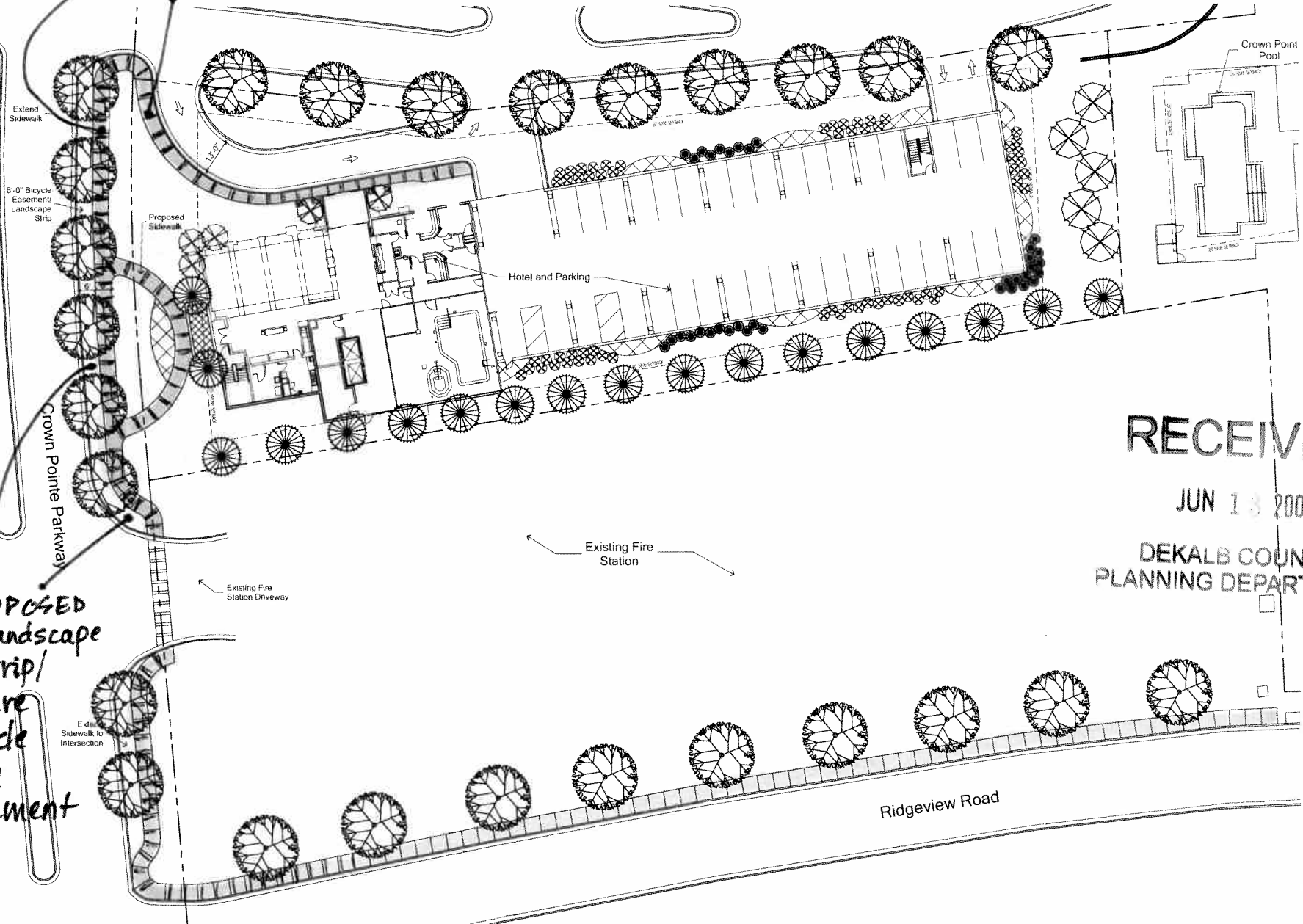
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Z-08-14805

Crown Pointe Hotel

#L2.

PROPOSED
6" sidewalk



RECEIVED

JUN 13 2008

DEKALB COUNTY
PLANNING DEPARTMENT

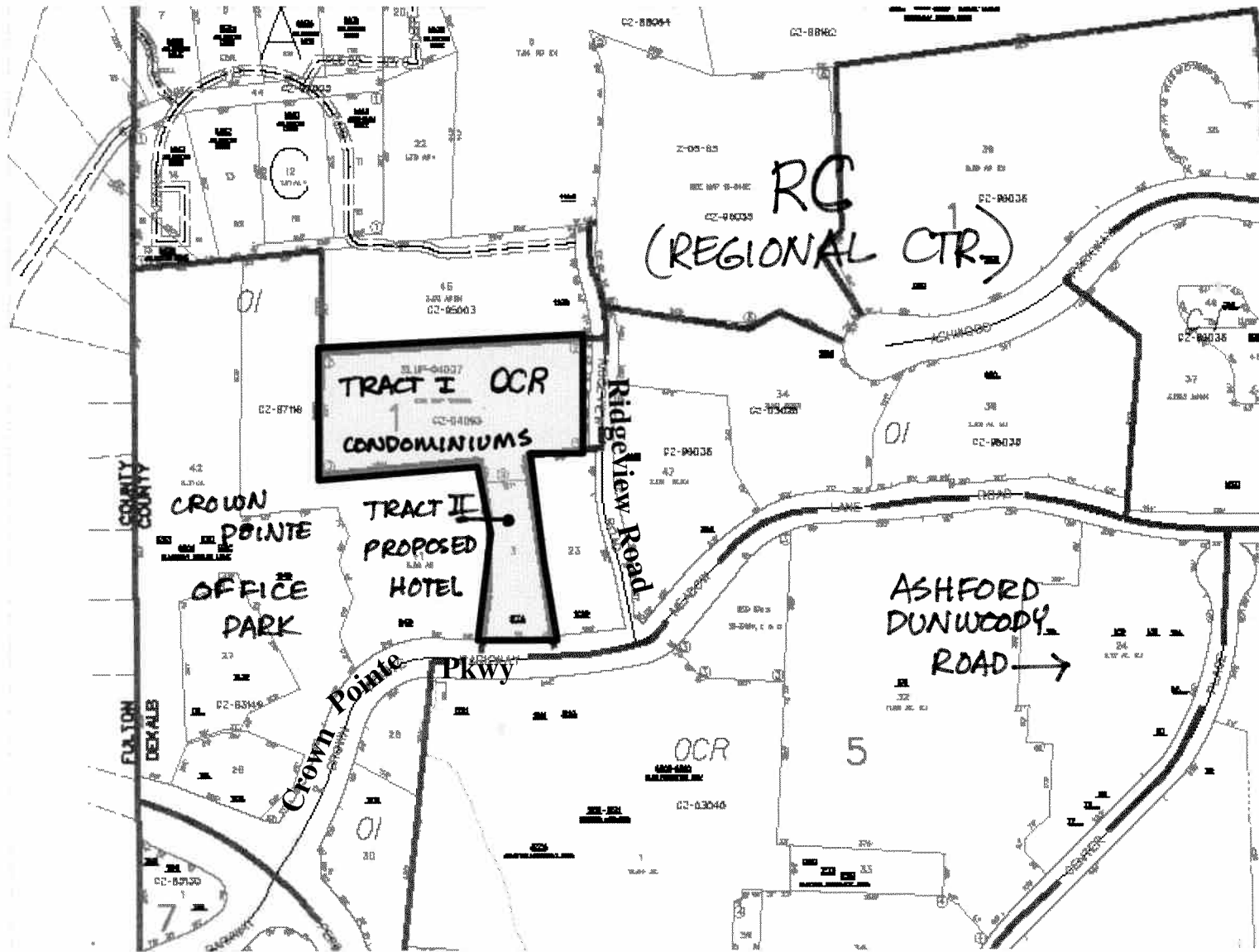
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ZONING

[From: OCR to OI]



CITY OF DUNWOODY
May 13, 2014
PLANNING COMMISSION MINUTES

The Planning Commission of the City of Dunwoody held a Meeting on May 13, 2014 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Kirk Anders, Commission Member
 Bob Dallas, Commission Member
 Tom Dwyer, Commission Member
 Bill Grossman, Commission Member
 Renate Herod, Commission Member
 Paul Player, Commission Member
 Heyward Wescott, Commission Member

Also Present: Steve Foote, Community Development Director
 Rebecca Keefer, City Planner
 Christie Berkowitz, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present.

C. MINUTES

1. Approval of Meeting Minutes from March 11, 2014 Planning Commission Meeting.

Commission Member Bob Dallas motioned to approve. Commission Member Heyward Wescott seconded.

The motion was voted and passed (7 - 0).

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Nominations for Planning Commission Chairman and Vice Chairman.

Commission Member Bill Grossman nominated Bob Dallas for Chairman. Commission Member Tom Dwyer seconded.

The motion was voted and passed (7 - 0).

Commission Member Bob Dallas nominated Bill Grossman for Vice Chairman. Commission Member Renate Herod seconded.

The motion was voted and passed (7 - 0).

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 14-061: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, Marian C. Adeimy, on behalf of NitNeil Partners, LLC, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Distribution (OD) to allow for a change of previously approved use. The subject property is located at 1274 Crown Pointe Parkway, Dunwoody, GA 30338. The tax parcel is 18 349 01 003.

Rebecca introduced the application and recommended approval with the submitted conditions by the applicant.

Bob Dallas opened the Public Hearing.

Marian Adeimy, attorney for the developer, spoke in favor of the request. She presented notebooks of information to the Commission and highlighted the contents therein.

No one spoke in opposition.

Bob Dallas closed the Public Hearing.

Members of the Commission discussed the following information: the recommendation by staff, possibility of using the building for other uses, variances being requested, limitation of 18-wheelers, signage, building materials, landscaping, 'appropriate' use of the property, and business operations.

City staff, the attorney, and Nitesh Sapra (one of the developers) addressed their questions, comments, and concerns.

Commission Member Tom Dwyer motioned to approve with 15 conditions. Commission Member Heyward Wescott seconded.

The motion was voted and passed (4 - 3). Bob Dallas, Bill Grossman, and Paul Player dissented.

2. RZ 14-062: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Pedestrian Community Conditional (PC-3c) and Local Commercial (C-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Rebecca introduced the rezoning application, noting that it runs concurrently with a SLUP request. Staff recommends approval of the request with the following conditions:

1. Development shall substantially comply with the Site Plan dated May 1, 2014, as prepared by McFarland-Dyer & Associates.
2. Developer will provide landscaping and other improvements along its property frontage along Ashford Dunwoody Road per 2007 Perimeter CID Public Standards.
3. Developer will provide street furniture along its property frontage along

Meadow Lane Road per PCID Standards.

Rebecca presented the Public Works Director's comments from his review of the proposed development's site plan. The following is recommended:

1. Provide a traffic impact study in order to evaluate necessary roadway improvements.
2. Restrict the westernmost curb-cut to right-in and right-out access only.
3. Move the full-access driveway to the eastern curb-cut, and include a traffic signal there.

Staff also recommends approval of the Special Land Use Permit application with the following condition:

1. The four-story building height is approved for the proposed hotel use only, and shall not transfer to other land uses or development plans.

Bob Dallas opened the Public Hearing.

Robert Griest, attorney with Smith, Gambrell, and Russell, spoke in favor of the request.

Bob Kinsey, CEO for Spruill, spoke of support for the rezoning. He noted the various problems associated with the Center's location and believes the new development will be very beneficial all around.

No one spoke in opposition.

Bob Dallas closed the Public Hearing.

Members of the Commission spoke favorably of the request, but noted concerns with pedestrian traffic. The following topics were also discussed: possible restaurant tenant, background on the applicant, street and traffic improvements, and accessibility to the site.

Staff, the attorney, and the applicant addressed the Commission's questions and comments.

Commission Member Heyward Wescott motioned to approve with staff conditions. Commission Member Bill Grossman seconded.

The motion was voted and passed (7 - 0).

3. SLUP 14-062: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit for a change in the maximum allowable building height of three-stories to four-stories. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Commission Member Bill Grossman motioned to approve. Commission Member Heyward Wescott seconded.

The motion was voted and passed (7 - 0).

G. OTHER BUSINESS

Commission Member Heyward Wescott mentioned that because he felt a conflict of interest with his roles on the Planning Commission and Dunwoody Homeowners Association, he has decided to step down from the DHA Board. Other Commission Members support his decision.

Multiple Members commented on how much they enjoyed the APA National Conference, especially the ethics class.

It was noted that a meeting will occur on May 29, 2014 for Dunwoody Park, in which attendance would be beneficial for future discussion.

Lastly, Members of the Commission commented on the future use of the property at Crown Pointe Parkway.

H. PUBLIC COMMENT

I. COMMISSION COMMENT

J. ADJOURN

Approved by:

Chairman

Attest:

Secretary

CITY OF DUNWOODY
April 10, 2014
COMMUNITY COUNCIL MINUTES

The Community Council of the City of Dunwoody held a Meeting on April 10, 2014 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Norb Leahy, Chairman
 Rick Callihan, Vice Chairman
 Tony Delmichi, Community Council Member
 Debbie Montgomery, Community Council Member
 Sam Verniero, Community Council Member

Also Present: Steve Foote, Community Development Director
 Christie Berkowitz, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present except Claire Botsch and Clayton Coley.

C. MINUTES

1. Approval of Meeting Minutes from March 13, 2014 Community Council Meeting.

Sam Verniero motioned to approve. Rick Callihan seconded.

The motion was voted and passed (4 - 0). Tony Delmichi abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Nominations for Community Council Chairman and Vice Chairman.

Tony Delmichi expressed concern in regard to Community Council Members' terms expiring and whether or not tonight's meeting would be considered unlawful.

Staff reassured the Board that the members whose terms were expired can still serve until a new member is appointed.

Rick Callihan motioned to table election of Chair and Vice Chair. Norb Leahy seconded.

The motion was voted and passed (4 - 0). Tony Delmichi abstained.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 14-061: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, Marian C. Adeimy, on behalf of NitNeil Partners, LLC, seeks permission to rezone property

currently zoned Office-Institution Conditional (O-Ic) to Office-Distribution (OD) to allow for a change of previously approved use. The subject property is located at 1274 Crown Pointe Parkway, Dunwoody, GA 30338. The tax parcel is 18 349 01 003.

Steve Foote, Community Development Director, introduced the application—noting the specifics of the request and highlighting the impending variances.

Norb Leahy opened public comment.

Marian Adeimy, representative for the applicant, spoke in favor of the request—addressing the review and approval criteria associated with rezoning decision-making. Mrs. Adeimy discussed the submitted site plan and renderings in relation to the surrounding area.

Board Members discussed with the representative possible landscaping and buffering that could be implemented, the architectural design of the building, and any intent to add additional retail space on the bottom floor. Nitesh Sapra, developer, ensured that the facility would be used solely for storage use.

The Board also inquired about the hours of operation. Mr. Sapra stated the leasing office would be open normal business hours, from 9:30 a.m. – 6:00 p.m., Monday through Friday, and 9:30 a.m. – 4:00 p.m. on Saturday. Access hours for tenants, however, would be extended to 6:00 a.m. – 10:00 or 11:00 p.m.

Spencer Frisby, President of HOA for Georgetown at Perimeter Walk Condominiums, discussed concerns with the proposal and noted the suggestions already made to the developer’s attorney in terms of changing the design plan to be more beneficial for the Condominiums’ residents.

Emily Sircy, representative for the ownership of 1040 and 1050 Crown Pointe Parkway, the adjacent office buildings, discussed the proposed curb cuts for the site. Currently, there is an easement that allows the applicant to add a single curb cut; however, they are exploring other options for ingress and egress with the developer because the proposed site plan shows a total of three.

Norb Leahy closed public comment.

Members of the Board asked questions of the applicant and staff—inquiring if the adjoining fire station had any concerns.

Rick Callihan motioned to approve the rezoning request. Debbie Montgomery seconded.

The motion was voted and passed (4 – 0). Tony Delmichi abstained.

2. RZ 14-062: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP

Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Pedestrian Community Conditional (PC-3c) and Local Commercial (C-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Steve Foote introduced the application.

Norb Leahy opened public comment.

Robert Griest, representative for Smith, Gambrell & Russell law group on behalf of the applicant, spoke in favor of the request. Mr. Griest noted the Spruill Center owns the property and is seeking a long-term ground lessor to help bring in revenue and help maintain the existing art facility. The applicant believes they are proposing a less intense use for the site than what is already entitled, and the design is also more compatible with the City's Comprehensive Plan. Additionally, it is understood that hotel development can foster commerce around public transportation uses and the pre-existing pedestrian access near, and eventually through, the site will make it easier for patrons to get around.

Norb Leahy closed public comment.

Board Members asked questions of staff—referencing the multi-family use, public safety concerns, sidewalk access, and Spruill Center's support of the project.

Rick Callihan motioned to approve the rezoning request. Norb Leahy seconded.

The motion was voted and passed (4 – 0). Tony Delmichi abstained.

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMUNITY COUNCIL COMMENT
- J. ADJOURN

Approved by:

Chairman

Attest:

Secretary