



41 Perimeter Center East, Suite 250
Dunwoody, Georgia 30346
P (678) 382-6700
dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP
Community Development Director

Date: February 8, 2016

Subject: RZ 16-022: Kathryn B. Zickert, applicant, on behalf of Hines Atlanta Associates Limited Partnership, owner of 4453 Ashford Dunwoody Road, Dunwoody, GA 30346, seeks permission to rezone property currently zoned Office-Institution conditional (O-Ic) District to Local Commercial conditional (C-1c) District to allow for development of a restaurant with drive-through. The tax parcel number is 18 347 01 033.

The applicant has asked to have their rezoning application withdrawn without prejudice.

Attachments

- Letter from applicant dated 1-27-16

January 27, 2016

Steve Foote, AICP
Director, Community Development
41 Perimeter Center East
Suite 250
City of Dunwoody, GA 30346

RE: RZ 16-022 and ZBA 16-021.

Dear Steve,

On behalf of Hines Atlanta Associates Limited Partnership, I respectfully request withdrawal without prejudice of the following rezoning and variance applications: RZ 16-022 and ZBA 16-021.

Thank you.

Sincerely,



Vikram Mehra

Cc (by email): Rebecca Keefer
Kathy Zickert
Dennis Webb
Alan Kennedy

Five Ravinia Drive
Atlanta, GA 30346
P 770.206.5300
F 770.206.5325

Hines

AMENDMENT APPLICATION



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

* Applicant Information:

Company Name:	Hines Atlanta Associates Limited Partnership		
Contact Name:	Kathryn M. Zickert, Esq. - Smith, Gambrell & Russell, LLP		
Address:	1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309		
Phone:	404-8153704	Fax:	404-685-7004
Email:	kmzickert@sgrlaw.com		
Pre-application conference date (required):			

* Owner Information: ☐ Check here if same as applicant

Owner's Name:	Hines Atlanta Associates Limited Partnership		
Owner's Address:	Five Ravinia Drive, Atlanta, GA 30346		
Phone:	770-392-7210	Fax:	770-392-7201
Email:	alan.kennedy@hines.com		

* Property Information:

Property Address:	4453 Ashford Dunwoody Road	Parcel ID:	18-347-01-033
Current Zoning Classification:	O-I		
Requested Zoning Classification:	C-1		

* 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:	Kathryn M. Zickert, Esq.		
Applicant's Signature:		Date:	12-7-15

* Notary:

Sworn to and subscribed before me this	7 th	Day of	December	, 20	15
Notary Public:					
Signature:					
My Commission Expires:	3-16-16				



**Dunwoody, Georgia
Amendment Application**


Attachment A

Property Owner:

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

**HINES ATLANTA ASSOCIATES LIMITED
PARTNERSHIP**, a Georgia limited partnership (f/k/a
Hines Atlanta Limited)

By: Hines Georgia Corporation
a Georgia corporation,
its General Partner

By: 
Kurt A. Hartman
Senior Managing Director



Five Ravinia Drive
Atlanta, GA 30346
Office: (770) 206-5300
Fax: (770) 206-5325
Email: kurt.hartman@hines.com

Signed this 30th Day of November, 2015

Notary:

Sworn and subscribed before me this 30th Day of November, 2015


Trisha J. Loback, Notary Public

My Commission Expires: 5th Day of July, 2017



**Dunwoody, Georgia
Amendment Application**


Attachment B

Campaign Disclosure Statement:

I hereby certify that, within the past two years immediately preceding the filing of this application, I have NOT 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.

**HINES ATLANTA ASSOCIATES LIMITED
PARTNERSHIP**, a Georgia limited partnership (f/k/a
Hines Atlanta Limited)

By: Hines Georgia Corporation
a Georgia corporation,
its General Partner

By: 
Kurt A. Hartman
Senior Managing Director



Five Ravinia Drive
Atlanta, GA 30346
Office: (770) 206-5300
Fax: (770) 206-5325
Email: kurt.hartman@hines.com

Signed this 30th Day of November, 2015

Notary:

Sworn and subscribed before me this 30th Day of November, 2015


Trisha J. Loback, Notary Public

My Commission Expires: 5th Day of July, 2017



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:** Smith, Gambrell & Russell, LLP by Kathryn M. Zickert, Esq.

Signature:  Date: _____
Address: 1230 Peachtree St., NE, Promenade Suite 3100, Atlanta, Georgia 30309

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: Dennis J. Webb, Jr., Esq.

Signature:  Date: _____
Address: 1230 Peachtree St., NE, Promenade Suite 3100, Atlanta, Georgia 30309

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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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: Robert D. Griest, Esq.

Signature: [Signature] Date: 12/7/15
Address: 1230 Peachtree St., NE, Promenade Suite 3100, Atlanta, Georgia 30309

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:** Vickie B. Chung, Esq.

Signature: [Signature] Date: 12/7/15
Address: 1230 Peachtree St., NE, Promenade Suite 3100, Atlanta, Georgia 30309

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: Kathryn M. Zickert, Esq.

Signature:  Date: _____
Address: 1230 Peachtree St., NE, Promenade Suite 3100, Atlanta, Georgia 30309

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

Date	Government Official	Official Position	Description	Amount

SMITH, GAMBRELL & RUSSELL, LLP**M E M O R A N D U M**

TO: City of Dunwoody Planning Department

FROM: Vickie Chung

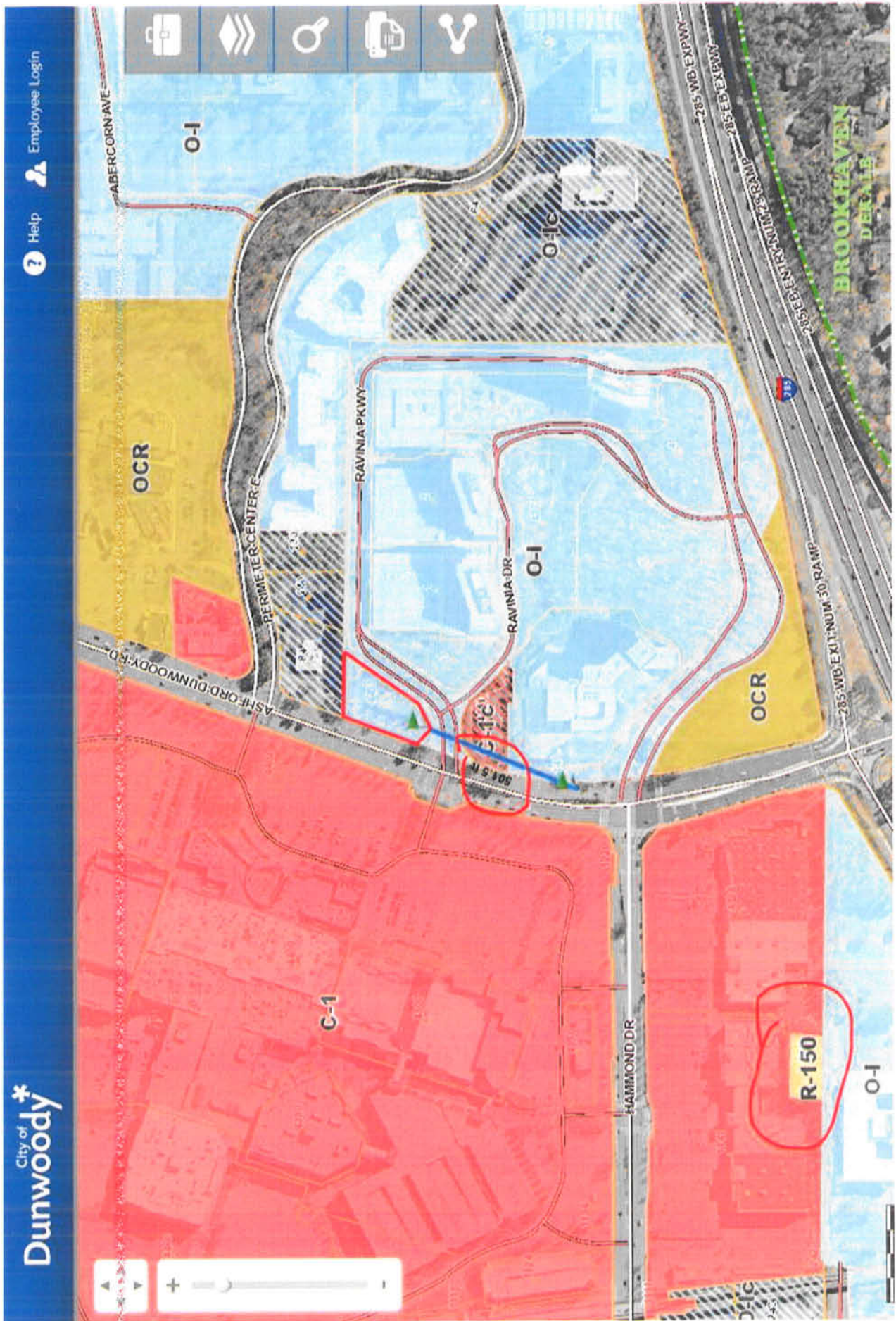
DATE: December 8, 2015

RE: Exemption from Neighbor Communication Survey for the rezoning application of 4453 Ashford-Dunwoody Road (DeKalb County Police Precinct)

This memorandum serves as an explanation of our exemption from the Neighbor Communications Summary Report requirement for rezoning applications in the City of Dunwoody.

The attached image is a portion of the City's zoning map. The property we are requesting to be rezoned is outlined in red. The blue line represents a distance of 501.5 feet. As shown on the attached image, the closest residential zoning (R-150) is well over 500 feet away.

Nevertheless, the Applicant and its representatives have presented at the Dunwoody Homeowner's Association two times, during the DHA's November meeting and December meeting. Changes were made to the site plan according to feedback received during these meetings, such as the gathering place for pedestrians and bicyclists on Ashford Dunwoody Road.



STATEMENT OF INTENT

and

Other Material Required by
City of Dunwoody Zoning Ordinance
For the
Rezoning Application
From O-I (conditional) to C-1 (conditional)

of

Hines Atlanta Associates Limited Partnership

for

±0.941 Acres of Land located in
Land Lot 347, 18th District

4453 Ashford Dunwoody Road
Atlanta, Georgia 30346

and

Ravinia Parkway

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Smith, Gambrell & Russell, L.L.P.
Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
404-815-3500

SGR/13472521.1

I. INTRODUCTION

Hines Atlanta Limited, the predecessor to Hines Atlanta Associates Limited Partnership (“Applicant”) has developed the mixed-use complex at I-285 and Ashford Dunwoody Road known as “Ravinia”. Currently, this development includes a 14-story hotel with 495 rooms; three high-rise office buildings, with a combined rentable office area of 1,542,346 square feet (excluding accessory uses such as in-building cafés); a one-story “Leasing Center” used as the Hines Southeast Regional Office; a private road system; extensive open space or parkland; 3.45 acres of currently vacant space; a one-story Starbucks coffee shop with drive-through facility; and the former location of the DeKalb County North Police Precinct. This rezoning applies to 0.941 acres of what was previously the DeKalb County North Police Precinct (the “Subject Property”).

The Subject Property is located at the intersection of Ashford Dunwoody Road and Ravinia Parkway and is currently zoned O-I. The Applicant seeks rezoning from O-I (conditional) to C-1 to allow a 3,600 square foot Pollo Tropical restaurant with drive-through facility and required surface parking spaces.¹ Pollo Tropical is a higher end fast casual dining concept that serves Caribbean cuisine that is cooked to order. It serves fresh, never frozen, open flame grilled chicken, along with side dishes such as rice and beans, soups, and salads. Though the food is ordered at a counter, it is delivered to the table and the table is bussed by restaurant staff. There are currently 10 locations in the metro-Atlanta area – Alpharetta, Austell, Cumberland, Cumming, East Cobb, Johns Creek, Kennesaw, Lawrenceville, Snellville and Woodstock. Locations typically have a drive through, patio, and serve bottled beer.

¹ In addition to this rezoning application, the Applicant has also submitted a variance application to reduce the front yard setback on Ravinia Parkway from 50’ to 30’.

This document is hereby submitted as a Statement of Intent for the proposed project pursuant to § 27-335 of the City of Dunwoody Zoning Ordinance. This document also is intended to address and substantiate the requisite responses to the “Steinberg Act” O.C.G.A. § 36-67-1, et seq.

II. ZONING HISTORY

Ravinia was first zoned by DeKalb County pursuant to CZ-82075 on May 25, 1982. The conditions of the original rezoning approval expressly contemplate the development of four office buildings and a hotel, (or five office buildings had the hotel not been built); as well as supportive retail space. Approximately 1,600,000 square feet net rentable office space was to be constructed. Up to 15% of each building was approved for accessory retail uses. Thus from the outset a mixed use was contemplated for the site.

A number of Zoning Condition Alterations, both formal and administrative, followed this original rezoning approval. Most of these requests related to minor site plan revisions, such as the relocation of the north DeKalb County police precinct from the parking deck of one of the office buildings to its own freestanding building on its former site. In 1988, however, a more notable change was sought and approved to allow construction of a 30-story office building (subsequently designated “Ravinia III”). More notable still was the 1997 alteration of conditions which followed, and which approved development of the “Ravinia IV” office building.

In 2000, the Applicant submitted an application, which was eventually withdrawn, to alter the conditions of the Ravinia IV office building to allow the development of 30-story high-rise condominium or rental apartments, in lieu of the fourth office building. However, in 2003, the Applicant successfully pursued an alteration of zoning conditions to place retail uses and a parking deck on the 3.45 acres “grassy knoll” in front of the Crown Plaza Hotel at the

intersection of I-285 and Ashford-Dunwoody Road. The vision was for two-story retail spaces, on top of a parking deck. That development has not as yet materialized.

III. IMPACT ANALYSIS

The proposed rezoning should be approved because it meets all of the criteria of § 27-335(b) of the City's Zoning Ordinance.

A.

THE REZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN

As stated above, the Subject Property remains currently zoned O-I (conditional). The City of Dunwoody Comprehensive Land Use Plan places this property within the Perimeter Center Character Area and the subarea for High Density Mixed Use. The proposed development is entirely consistent with this designation and will provide a supportive service use, especially to existing Ravinia tenants.

The Subject Property is also a part of the Perimeter Center activity node as well as the Community Improvement District (CID) recently created for this area. The CID has prioritized the creation of a "24-hour" balanced urban environment maximizing MARTA access and complimenting Perimeter's strong office and retail markets, i.e. a Livable Centers Plan. The Livable Centers plan was developed with extensive input from a diverse group of stakeholders in the Perimeter area through surveys, public meetings, a broad-based steering committee and one-on-one interviews with key stakeholders representing residential, business, institutional and government issues. These groups have identified the need for creation of a "town center" in the vicinity of Perimeter Mall.

Specifically the Livable Centers plan calls for a diverse, sustainable mix of land uses including residential, retail, service, office, entertainment, cultural and open space. The proposed project furthers these objectives by adding a much-needed service to the immediate area, which currently suffers from a lack of restaurants.

The CID plan also calls for the creation of a safe environment for pedestrians while maintaining multiple options for vehicular circulation and pedestrian and vehicular access. The proposed project furthers these goals by providing adequate parking, vehicular circulation and stacking, while providing a safe environment for pedestrians. The site plan submitted with this application is the product of the feedback the Applicant has received from both the City's planning staff and the Dunwoody Homeowner's Association, both of which wanted pedestrian-friendly features integrated into the design. The site plan includes a paved crosswalk across the drive isle, a gathering place with benches and a bicycle rack on Ashford Dunwoody Road, and direct pedestrian access from both Ashford Dunwoody Road and Ravinia Parkway. The gathering space engages the sidewalk on Ashford Dunwoody Road, while providing safe, direct access to the restaurant for pedestrians and bicyclists.

Providing amenities for pedestrians and bicyclists in lieu of more off-street parking, reducing setbacks to create a pedestrian-friendly environment with buildings close to the sidewalks, and allowing creativity and flexibility in landscaping and tree preservation all serve the goals described above. The proposed project will therefore fit in nicely with the goals and intent of the CID and the Livable Centers plan for development for this area.

B.

THE PROPOSED REZONING PERMITS A USE THAT IS SUITABLE IN VIEW OF THE
USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES

The Subject Property is part of the Perimeter Mall activity node and essentially lies at its center. The large Ravinia development to the east of the Subject Property includes 1,542,346 square feet of office space, related retail uses and a 495-room hotel. Walking trails, picnic areas, gazebos and similar improvements have made this area one of the most attractive amenities of the Perimeter Center area.

Immediately across Ashford-Dunwoody Road to the west of the Subject Property lie C-1 zoning districts which signal the start of the heavy commercialization at and around Perimeter Mall including (i) an 18.9 acre tract across Ashford-Dunwoody that consists of approximately 294,400 square feet of retail space anchored by Rooms to Go and Best Buy, and (ii) the Perimeter Mall property that lies directly across Ashford-Dunwoody and extends approximately 0.5 mile north on Ashford-Dunwoody Road.

To the north of the Subject Property is a part of the O-I component of the Taylor-Mathis “original” Perimeter Mall Plan. The O-I district extends north a short distance, where it adjoins the C-1 “Park Place” retail center.

To the south of the Subject Property is a parcel that contains a Starbucks coffee shop with a drive through, outdoor patio, surface parking and pedestrian access that is zoned C-1.

Further to the south and southwest of the Subject Property are other large O-I developments. Directly across I-285 in the southeast quadrant of the Ashford-Dunwoody interchange is a five-story mid-rise office rezoned in 1981 (CZ-81150). In the southwestern portion of the interchange is the massive “Lake Hearn” zoning (now known as Perimeter

Summit), a portion of which has been rezoned and developed for a five-story, 330 unit multi-family complex; three office buildings, a free-standing restaurant and, most recently, a 160 room hotel. Total office space in excess of 3.5 million net leasable square feet also is approved in Perimeter Summit, spread among eight buildings ranging from 12 to 28 stories in height. Three of these buildings have been erected: 1001 Perimeter Summit at 580,000 square feet and 21 stories, 3003 Summit Boulevard, at 390,000 square feet and 18 stories, and 2002 Summit Boulevard. Perimeter Summit also contains a 177 room Hyatt hotel, various retail uses and conference space.

In light of these surrounding commercial uses, C-1 is a suitable and appropriate zoning designation for the Subject Property.

C.

THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS PRESENTLY ZONED

The Subject Property does not have an economic use as currently zoned. The building is currently vacant and is in significant disrepair. Since it was constructed specifically for the purpose of a police precinct, it has no re-use value in the marketplace. Additionally, there is a surplus of Class B and Class C office space currently available in Central Perimeter sub-market. Vacancy rates in each of these classes (21.9% and 23.9% respectively) provides evidence that there is systemic risk in adding additional inventory to the Class B or Class C office inventory. Office rents required to redevelop the property for office use will be far greater than current market rental rates in Central Perimeter.

The Applicant respectfully submits that the Zoning Ordinance of City of Dunwoody, Georgia, lacks adequate standards for the Mayor and City Council to exercise its power to zone

and rezone (or to issue special land use permits). In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The Mayor and City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised.

The Zoning Ordinance presently in effect, zoning this property as O-I, is contrary to the best interest of the health and welfare of the citizens of DeKalb County, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect, zoning this property as O-I, is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth

Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the Subject Property to C-1, as requested, or the rezoning of the Subject Property to any intervening zoning district, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

D.

THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties and will in fact improve the immediate area. The relevant Planning files of Dunwoody were reviewed by the Applicant in advance of the filing of this Application. The proposed use provides a compatible use that balances existing office density and supports Dunwoody's vision of a livable regional center that is a walkable, high-end, mixed-use environment. Additionally, the proposed use will provide an amenity to passers-by, nearby residents and tenants of nearby office complexes. By proximity, the project promotes pedestrian accessible convenience for the three adjacent Ravinia office buildings.

Additionally, the Applicant has and will continue to engage in negotiations with the Dunwoody Homeowner's Association and adjoining property owners in Ravinia to make sure its proposal is acceptable to these neighbors. Consequently, appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed development. 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 property line control measures; 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. Many, if not all, of these devices will be utilized in this Application.

Furthermore, the Applicant will manage the design of the project in a manner which will maintain the overall quality of Ravinia as it relates to architectural design and landscaping to ensure suitability and minimal impact on adjacent uses. This is shown in the upgraded design for the Subject Property, which reflects the prevalent use of stone, wood, and earth-tone colors in the surrounding area’s architecture. The typical Pollo Tropical is a light blue color with white cornices and trellises and colorful shutters. For this site, the Applicant changed the color of the building to an earthy green and modified the design to incorporate stained wood, including on the cornices and trellises, and stacked stone, as shown on the attached elevations. These upgraded design features are more in line with the architectural aesthetic of the surrounding area. Furthermore, lighting will be focused away from nearby and adjacent properties and the mature landscaping around the property will be preserved.

The small commuter-oriented restaurant use is a proper development for the Ashford-Dunwoody corridor, which remains designated by the City as an urban, intensive land use area.

Applicant's project thus achieves the type of mixed-use, mixed-intensity development expressly encouraged by the Zoning Ordinance and Plan Guidelines while also respecting the architectural aesthetic of the surrounding area and insulating and protecting nearby residential areas.

E.

OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND
DEVELOPMENT OF THE PROPERTY

The Applicant's proposed use of the Property will become an integrated part of its innovative, high-quality, mixed-use development concept which balances the proposed used with the immediately adjacent office-institutional and commercial land uses. The Subject Property has approximately 250 feet of frontage on Ashford-Dunwoody Road, and is central to other major office, institutional and commercial uses.

In summary, the project at issue provides a desired restaurant within the context of high-density, intensive and already existing office-institutional and commercial uses on adjacent and nearby sites, in a node which is convenient to population concentrations and major transportation facilities. Further, it will create a transition from the larger, more intense land uses on the Ravinia site as one moves closer towards Ashford-Dunwoody Road. This "step down" approach will result in a smaller scale uses that will be visible from the street.

F.

THE REZONING PROPOSAL WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES

Once a part of the vast Spruill family holdings, Ravinia has been developed with attention to the significance of historical components of the site. No historic buildings, sites, districts, or archaeological resources are known to exist on the Subject Property.

G.

THE REZONING PROPOSAL WILL NOT RESULT IN A USE THAT WILL OR COULD
CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

The proposal for the site in question will have minimal effects on city streets, infrastructure or schools. The 2015-2035 Comprehensive Plan references the specific problem of traffic management, and traffic on the I-285 interchange at Ashford Dunwoody Road is of primary concern to both residents and commuters. The proposed project will not have a significant adverse effect on traffic in the area, as it is anticipated that patrons of the restaurant and drive-thru to be either existing passers-by, or will be from increased pedestrian traffic from nearby office complexes. Owner does not anticipate new, additional trips to this site as a final destination.

The Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Code 934)(subspecialty High-Turnover (Sit-Down) Restaurant) was used to calculate vehicle trips for this development. For a 3,600 square foot Pollo Tropical with drive-through window, this development should generate a small amount of traffic relative to the area. According to the ITE Manual, a high-turnover sit-down restaurant of this size will generate an average of 67 vehicle trips per hour for the weekday evening peak period: 36 in, and 31 trips out. Although a “high-turnover sit-down restaurant” was the most analogous category included in the ITE Manual, these numbers are actually higher than anticipated, as Pollo Tropical falls somewhere in between a quality restaurant and a high-turnover sit-down restaurant. This development will have no impact on the weekday morning peak traffic, as Pollo Tropical does not serve breakfast.

Furthermore, the drive-through business of Pollo Tropical is significantly below that of other fast food establishments (35% versus 75% of a typical fast food restaurant such as a

McDonalds, Chick-fil-A or Starbucks). The distribution of drive-through business of Pollo Tropical is equally split between lunch and dinner hours rather than concentrated in the morning like Starbucks or morning / lunchtime as with McDonald's or Chick-fil-A. Additionally, the majority of the vehicles which will stop at this facility are already on the road or vehicles "passing by" on the surrounding road network.

There is sufficient utility, water and sewer capacity to supply this site. The proposed restaurant will have no effect on surrounding schools.

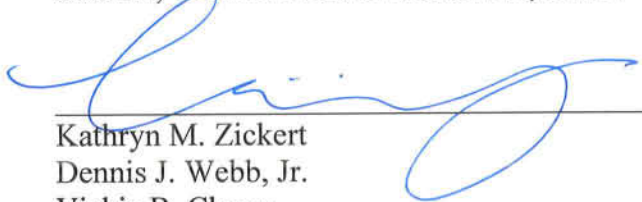
IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that its rezoning Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Dunwoody so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 9th day of December, 2015.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, L.L.P.



Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Attorneys For Applicant

Promenade II, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
404-815-3500

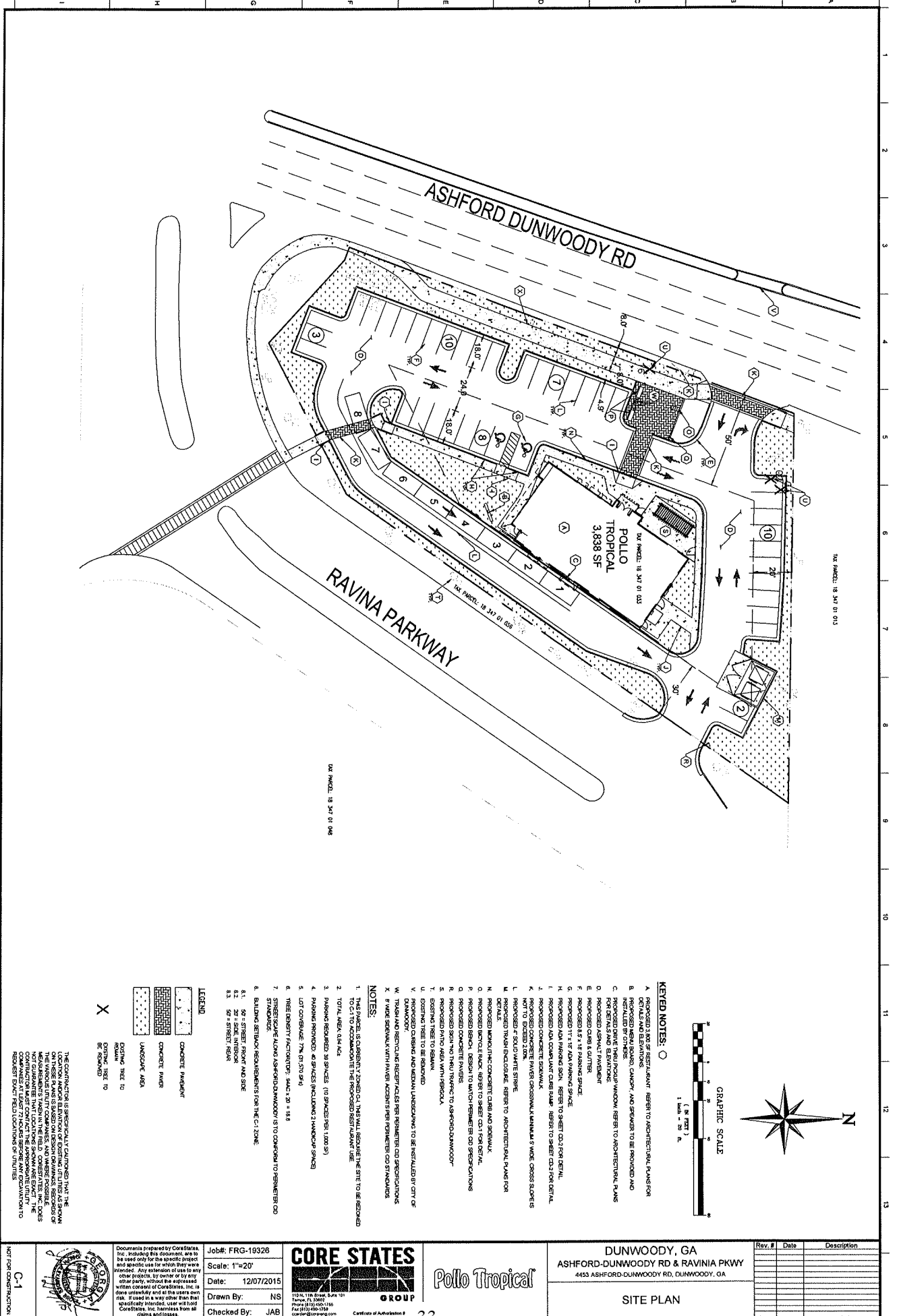
LEGAL DESCRIPTION
4453 Ashford-Dunwoody Road NE
Atlanta, GA 30346

Parcel I.D. # 18 347 01 033

All that tract or parcel of land lying and being in Land Lot 247, of the 18th district, DeKalb County, Georgia, and being more particularly described as follows:

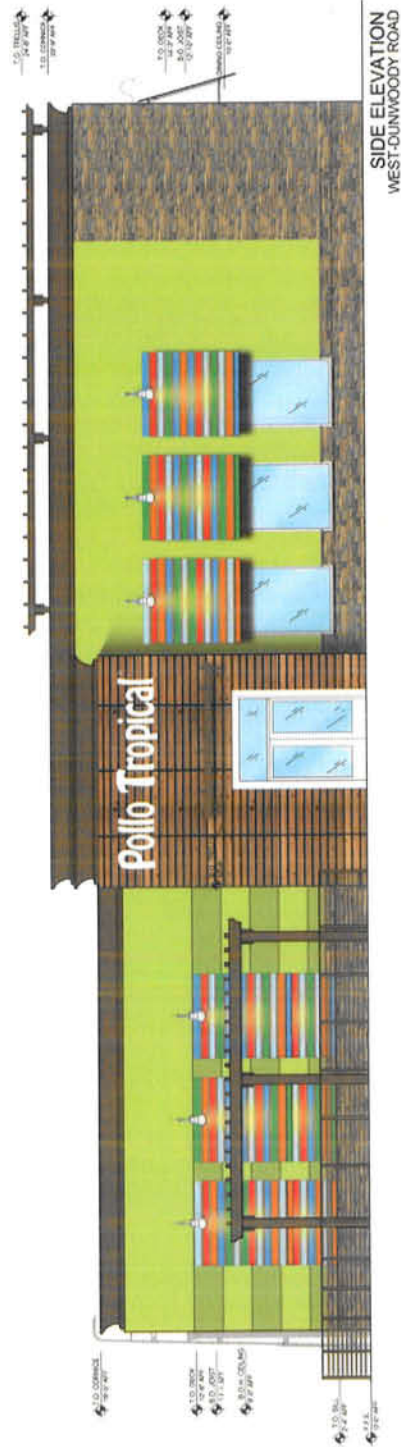
Commencing at a point on the Northerly right-of-way of Interstate 285 and the Easterly right-of-way of Ashford Dunwoody Road; thence along said right-of-way of Ashford Dunwoody Road the following courses and distances; North 73 degrees 35 minutes 06 seconds West a distance of 56.03 feet to a point; thence following a curve to the right, said curve having an arc distance of 54.01 feet and a radius of 166.35 feet and being subtended by a chord bearing North 23 degrees 44 minutes 01 seconds West a distance of 53.78 feet to a point; thence North 11 degrees 44 minutes 52 seconds West a distance of 179.27 feet to a point; thence North 14 degrees 52 minutes 30 seconds West a distance of 158.10 feet to a point; thence following a curve to the right, said curve having an arc distance of 77.43 feet and a radius of 1001.75 and being subtended by a chord bearing North 12 degrees 39 minutes 39 seconds West a distance of 77.41 feet to a point; thence North 07 degrees 50 minutes 17 seconds West a distance of 217.35 feet to a point; thence North 00 degrees 46 minutes 26 seconds East a distance of 36.66 feet to a point; thence following a curve to the right, said curve having an arc distance of 181.44 feet and a radius of 1303.98 feet and being subtended by a chord bearing North 09 degrees 02 minutes 44 seconds East a distance of 181.29 feet to a point; thence following a curve to the right, said curve having an arc distance of 72.11 feet and a radius of 1292.98 feet and being subtended by a chord bearing North 11 degrees 49 minutes 18 seconds East a distance of 72.10 feet to a point; thence following a curve to the right, said curve having an arc distance of 93.93 feet and a radius of 1292.98 feet and being subtended by a chord bearing North 14 degrees 52 minutes 54 seconds East a distance of 93.91 feet to a point; thence; North 17 degrees 31 minutes 00 seconds East a distance of 192.50 feet to a point; Said point being THE TRUE POINT OR PLACE OF BEGINNING; thence continuing along the right-of-way of Ashford Dunwoody Road the following courses and distances; North 69 degrees 14 minutes 06 seconds West a distance of 7.00 feet to a point; thence North 20 degrees 45 minutes 35 seconds East a distance of 247.16 feet to a point; thence leaving said right-of-way South 89 degrees 01 minutes 19 seconds East a distance of 203.03 feet to a point on the Northeasterly right-of-way of Ravinia Parkway (Private Road); thence along said right-of-way South 35 degrees 15 minutes 35 seconds West a distance of 280.25 feet to a point; thence South 63 degrees 00 minutes 35 seconds West a distance of 88.93 feet to a point; thence North 47 degrees 45 minutes 57 seconds West a distance of 58.12 feet to a point, said point being THE TRUE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 0.941 acres and being shown on a survey for Hines dated 12/01/10 and bearing the seal of Gary L. Cooper R.L.S. 2606





FRONT ELEVATION SOUTH



SIDE ELEVATION WEST-OUNWOODY ROAD



ASHFORD DUNWOODY ROAD, ATLANTA, GA



POLLO TROPICAL PROPOSED EXTERIOR ELEVATIONS

1 OF 2
DECEMBER 7, 2015
SCALE: 1/4" = 1'-0"

110 N. 11TH STREET
SUITE 101
TAMPA, FL 33602
CONTACT: CRAIG CARDEN
ccarden@core-eng.com





POLLO TROPICAL
PROPOSED EXTERIOR ELEVATIONS

2 OF 2
DECEMBER 7, 2015
SCALE: 1/4" = 1'-0"



Pollo Tropical
CHICKEN ON THE GRILL
ASHFORD DUNWOODY ROAD,
ATLANTA, GA