

MEMORANDUM

To: Mayor & City Council

From: Steve Foote, AICP

Date: May 9, 2016

Subject: SLUP 16-041: Dunwoody Crown Towers, LLC, owner of 244 Perimeter Center Parkway, Dunwoody, GA 30346, by G. Douglas Dillard, attorney for the property owner, seeks three (3) Special Land Use Permits to: a) Increase the height of the multi-unit residential building ("Crown Tower 1" on enclosed conceptual drawings); b) Increase the height of the mixed used vertical building ("Crown Tower 2" on conceptual drawings); and c) Allow multi-unit residential use in the CR-1 Zoning District. The tax parcel number is 18-329-04-055.



BACKGROUND

The subject property, Site B in the image above, is located on a 14.95 acre site bordered by I-285 to the south, Perimeter Center Parkway to the west, Ashford-Dunwoody Road to the east, and a shopping center development to the north. The applicant seeks approval of three (3) Special Land Use Permits to increase the maximum building height to allow for the construction of a proposed mixed-use development.

The entire parcel in full has several non-residential development entitlements that pertain to 'height.' In 1999, DeKalb County approved four variances:

- A maximum of 28 stories for a hotel
- A maximum of six (6) stories for a conference center and parking structure
- A maximum of 24 stories for two office buildings
- A maximum of 10 stories for parking decks

The applicant plans to utilize the above entitlements on the 10.2 acres identified as Site A. Development would also have to comply with the existing zoning requirements of the O-I District.

This application has a companion application, RZ 16-041 which seeks to rezone the subject property, Site B, from Office-Institution (O-I) to Commercial-Residential Mixed-Use (CR-1). The applicant also applied for a variance (ZBA 16-045) from Chapter 27, Section 27-73 to change the front yard building setback from 50 feet to 0 feet for Site A only.

The variance application, ZBA 16-045, was approved with the following conditions at the March 31, 2016 Zoning Board of Appeals meeting:

Exhibit A: Lot Division Plat, Sheet 5 of 5, submitted by applicant (undated)

1. The variance to reduce the setback from 50' to 0' shall apply to the existing building, accessory structures, and equipment, only.
2. The variance shall apply to the right-of-way depicted on Exhibit A and to future right-of-way for the Westside Connector, only.
3. If adequate clear zone cannot be met for any future road improvements, the existing building, accessory structures, and equipment shall be adjusted to comply.

The application has been through the DRI process with the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). As of this writing, GRTA issued their Notice of Decision on April 11, 2016 and the 15 day comment period with the Atlanta Regional Commission has closed. Staff is expecting the Final Report from the ARC by April 22, 2016.

ANALYSIS

Site Plan Analysis

According to the site plan dated March 30, 2016, the property owner plans to construct two (2) hotel/condo towers and a retail building on the 4.75 acre lot ("Site B").

The applicant proposes to construct two towers. They are seeking to increase the height of the Multi-Unit Residential Building ("Crown Tower 1") to 35 stories and the height of the Mixed-Use, Vertical Building ("Crown Tower 2") to 29 stories. The applicant is further requesting a SLUP, as required by the use table in the Zoning Ordinance, to allow Multi-dwelling Residential Use in the CR-1 district.

The applicant has met all regulations for applicant initiated neighborhood meetings as required by ordinance, holding a meeting with the public on Monday, February 1, 2016, and providing the applicable reports to the City.



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Direction	Zoning	Zoning Use	Current Land Use
N	R-150 (cemetery) C-1	Residential Commercial	Institutional Office/Commercial
S	I-285	I-285	I-285
E	OCR	Office-Commercial- Residential	Proposed Development
W	O-I PD	Office-Institution Planned Development	Office/Commercial

The City is currently working on a study of the Perimeter Center area that will produce overlay district regulations and new zoning districts. The proposed development is within a location proposed for PC-1 zoning, which, as currently drafted, would allow a maximum height of 30 stories. Based on this position, a maximum of 30 stories is recommended.

ANALYSIS

Review and Approval Criteria

Chapter 27, Section 27-359 identifies the following criteria to be applied by the department of planning, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Whether the proposed use is consistent with the policies of the comprehensive plan; ***Yes, the proposed use is consistent with the policies of the Comprehensive Plan. The site is located in the Perimeter Center character area, which seeks to be a "livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants" to facilitate the creation of a true "live-work environment."***

The proposed development is a mixed-use project that aims to incorporate all of the above uses while complementing the surrounding mix of uses that characterizes the Perimeter Area. A rezoning application has been submitted for this property to allow for owner-occupied residential units on the property.

2. Whether the proposed use complies with the requirements of this zoning ordinance; ***Yes, the proposed use complies with the requirements of the CR-1 Zoning District. CR-1 allows for residential and commercial uses in a single mixed-use development. Though the CR-1 district only allows for a 3 story building as of right, it does provide for the SLUP process to increase the allowable height.***

The proposed use is also compatible with the current draft of the Perimeter Center Zoning District (PC-1). PC-1 envisions mixed use developments and allows for owner-occupied residential buildings up to 30 stories tall. Based on this draft document, the height should not exceed 30 stories.

At the Planning Commission meeting, the applicant compared the proposed 35 storey Crown Tower 1 building to the existing 33 storey building at Ravinia, and stated that while the building would be more stories than the Ravinia building it would however be less tall in height in feet than the Ravinia building. The applicant also stated the elevation of the site is justification for the increased height. Since that meeting, the applicant submitted a document titled "Comparative Heights of Dunwoody Crown Towers #1 & #2 to Ravinia Office Tower". That document states the proposed tower would be 49 feet less in height than the Ravinia building. That document also shows the elevation at grade for Crown Tower 1 to be 978 feet and the elevation at grade for the Ravinia building to be 960 feet. Being that the site of Crown Tower 1 is 18 feet higher than the Ravinia site, staff sees no justification for 35 stories over 30 stories due to topographical issues.

3. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
Yes, the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the CR-1 zoning district.

The CR-1 district calls for 20% open space; the most recent proposal shows 40% open space. The Dunwoody Municipal Code allows for a 25% reduction in the number of required parking spaces, provided that the property is located 1,500 feet from a MARTA station (Sec. 27-204). As the development is not located within 1,500 feet of the Dunwoody MARTA station (per sheet CP-004), the proposed parking reduction is not allowable. The applicant will either have to provide the additional parking in accordance with the required ratios or utilize a different reduction method enabled in the Code (e.g.: shared and bicycle parking). Staff has requested that an open space and amenities plan be provided to ensure that what is being counted toward the open space calculation will be adequate for the residential and commercial users.

The calculations of use of space are subject to change with the planned purchase of property by GDOT for transportation improvements.

4. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
- a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
No, the proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated.
 - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
No, the proposed use will not create adverse impact upon any adjoining land use by reason of the hours of operation of the proposed use. The surrounding land uses are all non-residential uses,

which shall not be affected negatively by the hours of operation of the proposed development's residential, hotel, retail, and accessory uses.

- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;

The traffic study indicates that the Ashford Dunwoody Road and Hammond Drive corridors will experience increasing congestion. Substituting residential and other uses for some of the office space would help distribute the trips to and from the site more evenly since residential trips would be outbound at times when the majority of the area traffic is inbound and vice versa. Additional turn lanes at congested intersections as recommended in this and other traffic impact studies can help reduce delays. However, at intersections like Ashford Dunwoody Road and Hammond Drive where multiple turn lanes already exist on all the approaches, adding additional lanes is not realistic or desirable. Additional connectivity to the interstate and other arterials, such as proposed with the Westside Connector Road from Ashford Dunwoody Road to Perimeter Center Parkway, is needed to address congestion in a significant way.

The Westside Connector would allow cars from I-285 to bypass Ashford Dunwoody Rd and Hammond Drive to access the property. Additionally, GRTA has conditioned the proposal to provide a southbound left turn lane along Perimeter Center Parkway and a westbound left turn lane along Gold Kist Road, as well as internal connectivity between all site access driveways.

The property's proximity to MARTA is expected to have a positive effect on the volume of vehicular traffic.

- e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
Yes, the size, scale, and massing of the proposed building are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The applicant is asking for a residential tower to be up to 35 storeys. The adjacent 9.2 acre parcel of the property is entitled for a 28-story hotel and two 24-story office buildings. The commercial parcel directly north of the property is also entitled for similarly tall buildings. The proposed development will be along the I-285 corridor, adding to a skyline that includes the 33-story Ravinia and the 28-story King and Queen towers.

- f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
No, the proposed plan will not adversely affect historic buildings, sites, districts, or archaeological resources. The development abuts the Martin family cemetery to the north. The development will have no impact on the cemetery. Staff has requested easement records from the applicant to determine what rights exist on the subject property (15 acre site) for the purpose of access to the cemetery. These easements will be respected in the redevelopment of the site. The applicant has spoken with representatives from the Dunwoody Preservation Trust, the entity that maintains the cemetery, to work on an acceptable strategy for the cemetery's continued maintenance and accessibility.
5. Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use;
Reference 4.d above for discussion of traffic impacts. The site is in close proximity to the Dunwoody MARTA station, making public transit a realistic alternative for those commuting to and from the property. Additionally, GRTA has conditioned the proposal to provide sidewalks along all property frontage and both side of all internal roadways.
6. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
Yes, with the inclusion of road improvements discussed with GDOT and GRTA, the development of the Westside Connector, and intersection improvements at Perimeter Center Parkway, adequate means of ingress and egress are proposed. A newly-created road off of Perimeter Center Parkway will provide primary access and will be capable of handling any new trips generated by the development. The property is accessible by transit, as MARTA is in close proximity, and pedestrian pathways. Sidewalks and bicycle facilities should be required along Goldkist Drive to facilitate connectivity to MARTA.
7. Whether adequate provision has been made for refuse and service areas; and
Yes, adequate provision has been made for refuse and service areas.
8. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
No, the proposed building will not create a negative shadow impact on any adjoining lot or building. Buildings with similar heights (28-stories, 24-stories, 33-stories) already exist along the property in close proximity to the property. The southern property line is bordered by I-285.

RECOMMENDATION

Planning Commission Recommendation

The Planning Commission heard the applicant's request for three SLUPs at their regularly scheduled meeting of April 12, 2016. After much discussion with the applicant and staff, the following action was taken:



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SLUP A shall be approved with staff's conditions, but with the following changes:

1. Staff's condition restricting the maximum height to 30 stories be changed to a maximum of 35 stories.

SLUP B shall be approved with staff's conditions

SLUP C shall be approved with staff's conditions

Staff Recommendation

Staff recommends **approval** of Special Land Use Permit application A, to increase the height of the multi-unit residential building ("Crown Tower 1" on enclosed conceptual drawings), subject to the following conditions:

1. The multi-unit residential building shall be a maximum height of 30 stories.
2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Staff recommends **approval** of Special Land Use Permit application B, to increase the height of the mixed used vertical building ("Crown Tower 2" on conceptual drawings), subject to the following conditions:

1. The mixed use vertical building shall be a maximum height of 29 stories
2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Staff recommends **approval** of Special Land Use Permit application C, to allow a multi-unit residential use in the Commercial-Residential Mixed-Use (CR-1) District, subject to the following condition:

1. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Attachments

- Ordinance
- Planning Commission 4-12-16 Draft Meeting Minutes
- Location Map, Zoning Map
- Article II, Division 1 Excerpt
- Comprehensive Plan Excerpt
- Application Packet
- Additional Application Materials received 4-15-16

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2016-XX-XX

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING
MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 329 04 055
IN CONSIDERATION OF SPECIAL LAND USE PERMIT
SLUP 16-041 (244 Perimeter Center Parkway)**

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

WHEREAS, the Special Land Use Permit 16-041 is requested to increase the height of the multi-unit residential building ("Crown Tower 1" on attached conceptual drawings), increase the height of the mixed use vertical building ("Crown Tower 2" on conceptual drawings), and allow multi-unit residential use in CR-1 zoning district; and

WHEREAS: this Special Land Use Permit application is requested concurrent with Rezoning Application RZ 16-041 and part of the conditions of said Rezoning Application depend on the decision herein; and

WHEREAS: the Mayor and Council find that the proposed use is consistent with the policies of the Comprehensive Plan for creation of a livable regional center with first-class office, retail, entertainment, hotel, and high-end restaurants to facilitate a true live-work environment.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby ordains and approves the Special Land Use Permit 16-041 of this said property as follows:

Section 1: To allow an increase in the height of the multi-unit residential building ("Crown Tower 1") subject to the following conditions:

- 1. The Multi-Unit Residential Building shall be a maximum height of 30 stories.**
- 2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.**

Section 2: To allow an increase in the height of the mixed use vertical building ("Crown Tower 2") subject to the following conditions:

- 1. The mixed use vertical building shall be a maximum height of 29 stories.**
- 2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.**

Section 3: To allow multi-unit residential use in CR-1 zoning district, subject to the

#11.

following conditions:

1. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Section 4: This Special Land Use Permit Ordinance shall take effect only upon the effective date of the companion rezoning RZ-16-041, approved by Ordinance 2016-XX-XX. If RZ-16-041 becomes null and void by operation of the terms of Ordinance 2016-XX-XX, this Ordinance shall become null and void concurrently.

SO ORDAINED, this ____ day of May, 2016.

Approved by:

Denis L. Shortal, Mayor

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

City Attorney

SEAL

**CITY OF DUNWOODY
APRIL 12, 2016
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on April 12, 2016 at 6:00 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: Paul Player, Chair
Heyward Wescott, Vice-Chair
Kirk Anders, Commission Member
Bob Dallas, Commission Member
Bill Grossman, Commission Member
Richard Grove, Commission Member
Renate Herod, Commission Member

Also Present: Steve Foote, Community Development Director
Rebecca Keefer, City Planner
Andrew Russell, Planning Coordinator
Ronnie Kurtz, Planning Technician
Michael Smith, Public Works Director
Michael Starling, Economic Development Director
Lenny Felgin, Assistant City Attorney

A. CALL TO ORDER

B. ROLL CALL

All members were in attendance with the exception of Kirk Anders.

C. MINUTES

1. Approval of Meeting Minutes from March 8, 2016 Planning Commission Meeting

Heyward Wescott motioned to approve. Bill Grossman seconded.

The motion was voted on and passed (4 – 0 – 2 - 1). (Bob Dallas and Renate Herod abstained because they were not present at the March meeting. Kirk Anders was absent)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Heyward Wescott motioned to amend the agenda to hear New Business before Unfinished Business. Bill Grossman seconded.

The motion was voted on and passed (6 - 0).

F. NEW BUSINESS (Moved from after Unfinished Business)

1. TA 16-051 - Consideration of re-adoption and/or modification of the LED prohibition of the Sign Ordinance, Chapter 20 of the City of Dunwoody Code of Ordinances.

Kirk Anders arrived and joined the meeting.

Lenny Felgin, Assistant City Attorney, presented on a re-adoption of the City's current LED sign prohibition in the code. Lenny stated the City is taking this opportunity to re-adopt that provision based on the kind of findings that the City Council and Planning Commission must make in order to create a prohibition on LED signs that will be upheld by the Supreme Court. Lenny read into the record supporting documentation and studies concerning safety and environmental effects of LED signs and responded to questions from the Commission. Lenny recommended approval of the proposed text amendment. Lenny provided a flash drive containing supporting documentation, a copy of which was obtained for the record.

The Commission asked Lenny questions regarding the definition of LED signage and lighted signage, types of illuminated signage allowed by City code, lighted signage at MARTA bus stops, GDOT regulations and amber alerts provided by electronic billboards.

Bob Dallas motioned to approve as presented. Heyward Wescott seconded.

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

E. UNFINISHED BUSINESS (Moved from before New Business)

1. RZ 16-041: Dunwoody Crown Towers, LLC, owner of 244 Perimeter Center Parkway, Dunwoody, GA 30346, by G. Douglas Dillard, attorney for the property owner, seeks to rezone property currently zoned Office-Institution (O-I) to Commercial-Residential Mixed-Use (CR-1). The tax parcel number is 18 329 04 005.

Paul Player introduced the item and opened the public hearing.

Rebecca Keefer presented on behalf of staff and recommended approval with conditions. Rebecca stated that staff's conditions presented to the commission have changed since the packets went out, in response to the applicant's requested changes and staff's responses to those changes. Rebecca read the exhibits and

conditions into the record. Rebecca asked the Commission to combine the public hearings for the rezoning and SLUP applications and allow 10 minutes for each case for both sides to speak.

Steve Foote addressed condition 5, and stated that it is intended to say that any buildings on Site B will be set back a minimum of 10 feet from the "no-build zone." Staff is recommending that all wording in the green area on the site plan should be removed other than the words "no-build zone."

Doug Dillard, attorney for the applicant, presented on behalf of the application, and introduced Jill Arnold, also an attorney for the applicant. Jill put a Powerpoint presentation on the monitors and handed out materials to the Commission and staff, a copy of which was obtained for the record. Doug introduced representatives of Crown Holdings Charlie Brown and Al Livnat, Karla Poshedly with Moreland Altobelli, Sal Alani with Thomson Michelette, and Berry Etheridge with Planners and Engineers, who have all worked on the project. Doug stated the applicant seeks to rezone a 4.75 acre portion of the site to CR-1 to add a residential component and a hotel component, and SLUPS to increase the height of a building, Crown Tower 1 to 35 stories, to increase the height of a mixed-use vertical building, Crown Tower 2 to 29 stories, and to allow for multi-unit residential use in the CR-1 District. Doug stated the owner can currently put 2.5 million square feet of buildings on the site, currently limited to a 28-story hotel, 6 story conference center, two 24 story office buildings and two 10 level parking decks, which would remain on Site A after the rezoning. Doug stated the development will promote livable centers within the area. Doug stated GRTA approval was sent to the applicant and staff today in a letter dated April 8, 2016, and that GRTA's conditions are acceptable to the applicant. Doug stated the total number of trips that are going to be generated at the end of the day are less than would be generated by the density if they built the total density that was approved. Doug stated the applicant intends to build less density than has been approved, which will generate 3,000 trips than if they built out the whole project. Doug stated he believes DeKalb County School District's projection that the project would generate 37 public school students is high.

Regarding Staff condition 4, Doug stated the developer is willing to limit the number of for-sale units to 50% of the 380 units, with the understanding that they would take the owner-occupied units to 75% within 5 years.

Regarding Staff condition 5, Doug stated he has a problem with the requirement that be setback a minimum of 10 feet from the right-

of-way because there is a no-build zone there.

Regarding Staff condition 6, Doug stated until the issue of the Westside Connector, this condition is a penalty for the applicant because it prevents right-out access from the site onto Ashford-Dunwoody Road.

Regarding Staff condition 8, Doug stated 10% should be 50%.

Regarding Staff condition 10, Doug stated May 9, 2021 should be the date in the condition.

Barry Etheridge, architect for the applicant, presented on why 35 stories is appropriate for the proposed Tower 1. Barry stated Tower 1 would be 49 feet less in height than the 33 story Ravinia building.

None spoke in opposition to the application.

The commission asked questions of the applicant and staff regarding the Development Agreement which has not yet been completed, the price points of the units, questions related to the financing of units by lenders. The Commission asked Michael Smith, Public Works Director, to address Staff condition 6 on the motion sheet related to the access road for the cemetery coming off of Ashford Dunwoody Road, whether 65 feet of right-of-way is necessary for a road through the site, and expressed concerns over the future of the Westside Connector and how it is addressed in the Development Agreement.

Doug stated the applicant is providing a 65 foot clear no-build zone for the road and right-of-way to connect Goldkist Road to Site B, which he stated is sufficient at this time. Doug stated if the City requests more than 65 feet of right-of-way, the applicant will comply. Doug stated the land would be deeded for the road only if this project gets built.

Michael Smith stated the driveway off of Ashford Dunwoody Road is for access to the cemetery, and is not a realistic commercial driveway access. Michael stated staff recommends access from Ashford Dunwoody to the site be disconnected and clarified that if the Westside Connector is built then the driveway would go away and there would be west-bound access onto and off of I-285.

Steve Foote and Michael Smith responded to the Commission's questions regarding the amount of necessary right-of-way. Michael stated the City has concerns that 65 feet of right-of-way would not be enough for the desired cross-section. Steve recommended 10 feet off of the south edge of the no-build zone be kept clear to

assure there is sufficient buffering. Steve stated the City has not received a cross-section from the applicant showing what would be contained within the 65 feet of proposed right-of-way, so there are still a few unknowns.

Doug stated residential units would range from \$350 to \$500 per square foot, that rental rates would be \$3 and above per month per square foot, and that rental rates for units in the general area go for \$1.5 to \$2 per square foot now. Doug stated that rental rates on the units would be \$2,500 to \$5,000 per month on a unit. Doug stated that under current financial lending standards, you cannot finance 90% of the condo units at owner-occupied, but at 50%, you cover a good portion of your sale and construction costs with the rental. Doug stated that any max on rental units would be enforced through C.O.'s, an HOA, and by other means. Doug stated amenities on-site will include pool, health club, fitness center, restaurants, and those sort of things through the hotel, which would be common to all of the residents in the hotel and the residential building.

Bill Grossman motioned to defer the application to the May Meeting.

The motion died for lack of a second.

Bob Dallas motioned to approve the application with applicant's conditions and with the following revisions to condition 8:

- Applicant's condition number 8 be amended to be worked out between now and the Council meeting in regards to the issue of the no-build zone.

Heyward Wescott seconded.

Discussion was had.

Bill Grossman offered a substitute motion to approve with staff's the exception that condition 5 be amended to restrict the owner-occupancy to 75% of units, and the with the following conditions:

1. Applicant will provide that right-of-way deemed necessary by the Public Works Director, that right-of-way anticipated to be 80 feet from Ashford-Dunwoody Road to the western edge of applicant's property.
2. The applicant will pay the City to complete the Westside Connector design and environmental studies; that amount not to exceed \$600,000 with an

escrow no longer than 6 years.

- 3. The applicant will execute a development agreement with the City including these conditions.**

The substitute motion died for lack of a second.

The motion was voted on and failed (2 – 4 - 1). (Richard Grove, Bill Grossman, Renate Herod, and Kirk Anders dissented. Paul Player did not vote.)

Heyward Wescott motioned to approve with staff's conditions, subject to the following changes below:

5. Any buildings on Site B shall be setback a minimum of 75 feet from the north property line or as necessary to provide room for the Westside Connector.

8. Covenants shall restrict non-owner occupied units to a maximum of 75% of the units for the first 5 years, and shall increase to 90% after the first 5 years. A unit shall not be considered "owner-occupied" if it includes any partial owner who pays another party (except the mortgagor) for the right to live there.

Renate Herod seconded.

The motion was voted on and passed (5 - 2) (Bill Grossman and Bob Dallas dissented.)

- 2. SLUP 16-041: Dunwoody Crown Towers, LLC, owner of 244 Perimeter Center Parkway, Dunwoody, GA 30346, by G. Douglas Dillard, attorney for the property owner, seeks the following the following: (a) For approval of a special land use permit to increase the height of the multi-unit residential building. (b): For approval of a special land use permit to increase the height of the mixed use vertical building. (c): For approval of a special land use permit to allow multi-unit residential use in the CR-1 Zoning District. The tax parcel number is 18 329 04 005.**

Rebecca Keefer read SLUP A, SLUP B, and SLUP C into the record and recommended approval of each with conditions.

Doug Dillard stated all of staff's conditions on the three SLUP requests are acceptable to the applicant except the condition in SLUP A that requires the height of the residential building to be a maximum of 30 stories.

Paul Player handed the gavel to the Vice-Chair at 7:28 pm and left

the meeting.

Bob Dallas called for a point of order.

Heyward Wescott motioned to approve SLUP A with staff's conditions. Richard Grove seconded.

Discussion was had on the motion.

Bob Dallas offered a substitute motion, that staff's condition restricting the maximum height of Tower 1 to 30 stories be revised to a maximum of 35 stories. Bill Grossman seconded.

Discussion was had on the substitute motion.

The substitute motion was voted on and passed (5 - 1). (Richard Grove dissented)

No vote was taken on the original motion.

Bob Dallas motioned to approve SLUP B with staff's conditions. Richard Grove seconded.

The motion was voted on and passed (6 - 0).

Bob Dallas motioned to approve SLUP B with staff's conditions. Kirk Anders seconded.

The motion was voted on and passed (6 - 0).

G. OTHER BUSINESS

1. Presentation by Michael Starling

Michael Starling presented on some of the major entitlements on property in the City and responded to questions from the Commission.

The Commission discussed and asked Michael questions.

H. PUBLIC COMMENT

I. COMMISSION COMMENT

Bob Dallas stated that with the entitlements the City has, it is essential the City develop park amenities for residents who live there and nearby, and that Citizen's from all over Dunwoody will

benefit from those amenities and from multi-use paths.

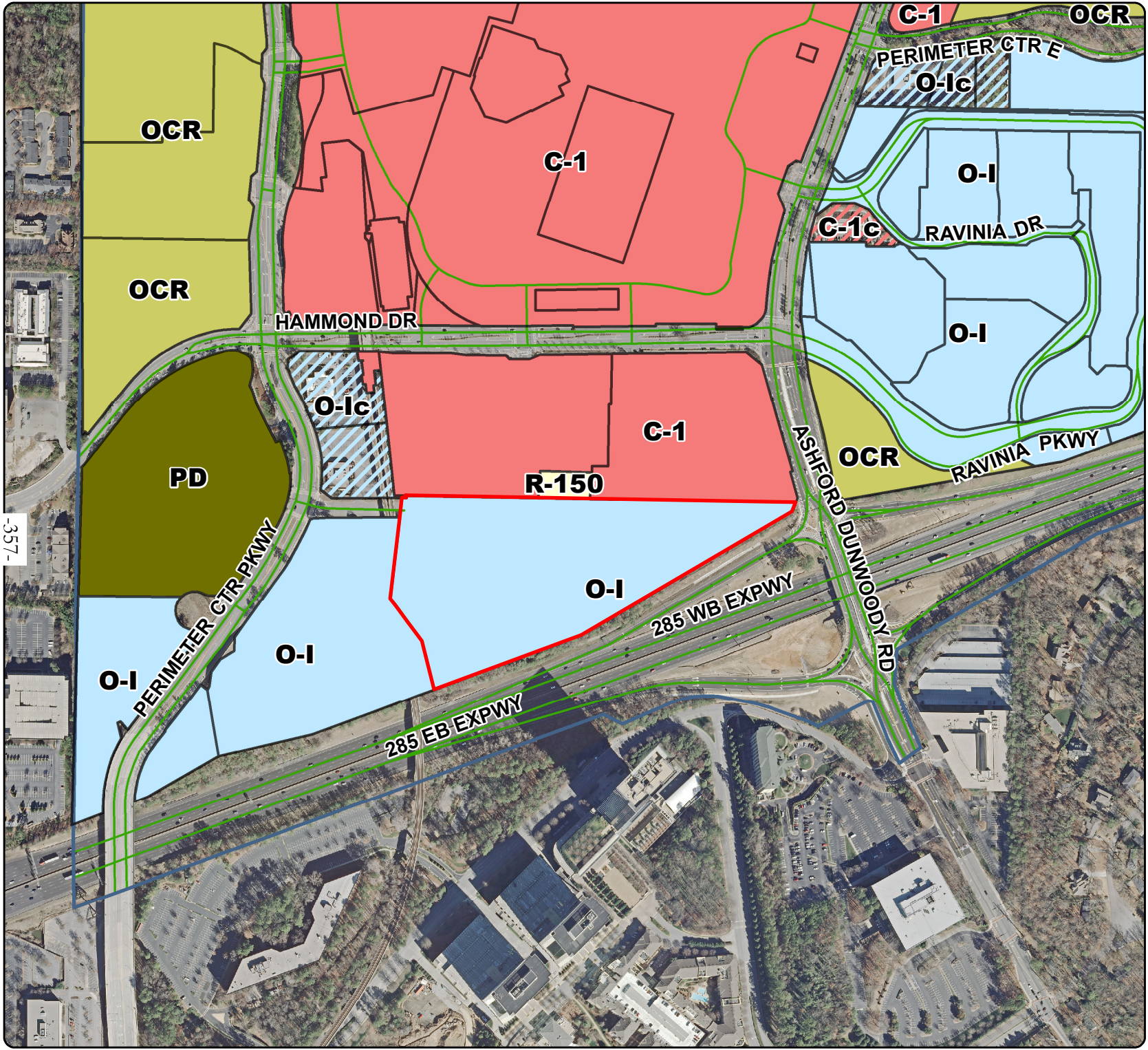
Renate Herod stated that Bob Dallas' opinion and the opinion of anyone else on the Commission is important and that she is disappointed the Chair felt like Commission members should not speak when they have something to say because of concerns over time.

Heyward Wescott stated he is in agreement with Bob Dallas in regards to the needs of the Perimeter area, and that he is in agreement with Renate Herod in regards to Commission meetings. Heyward stated it is important to have a chair who stays for the full meeting and that the chair's job is to run the meeting.

J. ADJOURN

Bill Grossman motioned to adjourn.

DRAFT



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

244 Perimeter Center Parkway
RZ 16-041 & SLUP 16-041
 March 2016

Legend

- Parcel
- Street Centerline

Zoning District

- Local Commercial (C-1)
- Local Commercial (C-1c)
- General Commercial (C-2)
- Commercial-Residential Mixed-Use (CR-1)
- Industrial (M)
- Neighborhood Shopping (NS)
- Office-Distribution (O-D)
- Office-Institution (O-I)
- Office-Institution-Transitional (O-I-T)
- Office-Institution (O-Ic)
- Office-Commercial Residential (OCR)
- Office-Commercial Residential (OCRC)
- Planned Development (PD)
- Residential (R)

Scale:
 1 in = 500 ft




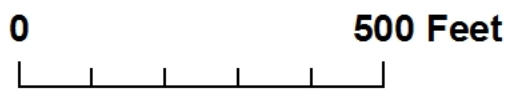
Disclaimer: All data is provided as is, with all faults, without warranty of any kind, either expressed or implied. This map is the property of the City of Dunwoody, Georgia and its assigns. All rights reserved.

244 Perimeter Ctr Pkwy Lot Division



-358-

 Current Boundary



Date: 3/1/2016

CHAPTER 27 - ZONING ORDINANCE^[1]

Footnotes:

--- (1) ---

Editor's note—Ord. No. 2013-10-15, § 1, adopted Oct. 14, 2013, repealed former Ch. 27, §§ 27-1—27-1654, and enacted a new Ch. 27 as set out herein. Former Ch. 27 pertained to similar subject matter. See the Code Comparative Table for a complete derivation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text have been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets and obvious misspellings and punctuation errors have been corrected without notation.

ARTICLE II. - ZONING DISTRICTS

DIVISION 2. - NONRESIDENTIAL AND MIXED-USE ZONING DISTRICTS

Sec. 27-71. - General.

(a) The districts. The city's nonresidential and mixed-use zoning districts are listed below.

	Zoning District	Map Symbol
Office	Office-Institution	O-I
	Office-Institution-Transitional	O-I-T
	Office-Distribution	O-D
	Office-Commercial-Residential	OCR
Commercial	Neighborhood Shopping	NS
	Local Commercial	C-1
	Commercial-Residential Mixed-Use	CR-1
	General Commercial	C-2
Industrial	Industrial	M

(b) Purposes.

- (1) General. The nonresidential and mixed-use districts are generally intended to promote consistency with the comprehensive plan and provide opportunities for shopping, employment, entertainment and living.
- (2) Office-institution and office-institution-transitional. The primary purposes of the O-I and O-I-T districts are as follows:
 - a. To provide convenient locations for office and institutional uses;
 - b. To provide locations for the development of cultural, recreational, educational and health service facilities; and
 - c. To limit building heights to two stories in O-I-T zoned areas adjacent to single-dwelling residential districts.
- (3) Office-distribution. The primary purpose of the O-D district is to provide convenient locations for office and distribution establishments.
- (4) Office-commercial-residential. The primary purposes of the OCR district are as follows:
 - a. To provide for economic development within the city through redevelopment of parcels of land that have been used in the past for commercial and light industrial uses but that have become obsolete and now offer an opportunity for establishing new moderate-intensity mixed-use developments consisting of a combination of office, commercial and residential uses;
 - b. To promote redevelopment and new development in an environment that is pedestrian-oriented and that provides employment, shopping, entertainment and living opportunities in close proximity thereby reduces auto dependency; and
 - c. To encourage the conversion of vacant commercial and industrial buildings into mixed-use projects.
- (5) Neighborhood shopping. The primary purposes of the NS district are as follows:
 - a. To provide convenient neighborhood retail shopping and service areas within the city;
 - b. To provide for the development of new neighborhood shopping districts;
 - c. To help ensure that the size and scale of neighborhood shopping centers and individual uses within shopping centers are compatible with the scale and character of surrounding neighborhoods; and
 - d. To accommodate uses designed to serve the convenience shopping and service needs of the immediate neighborhood.
- (6) Local commercial. The primary purposes of the C-1 district are as follows:
 - a. To provide convenient local retail shopping and service areas within the city;
 - b. To provide for the development of new local commercial districts; and
 - c. To accommodate uses designed to serve the convenience shopping and service needs of groups of neighborhoods.
- (7) Commercial-residential mixed-use. The primary purposes of the CR-1 district are as follows:
 - a. To provide convenient local retail shopping and service areas within a mixed-use (commercial-residential) setting;

- b. To provide for the development of new commercial-residential mixed-use districts; and
 - c. To promote development patterns that accommodate residential, employment and entertainment within a walkable, mixed-use environment.
- (8) General commercial. The primary purposes of the C-2 district are as follows:
- a. To provide convenient general business and commercial service areas within the city;
 - b. To provide for the development of new general commercial districts; and
 - c. To accommodate uses designed to serve the general business and commercial service needs of the city.
- (9) Industrial. The primary purposes of the M district are as follows:
- a. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment;
 - b. To help ensure that establishments operate so as to not create adverse noise and other impacts on nearby residential, office, commercial and mixed-use districts; and
 - c. To help ensure that M districts are located in areas with access to major arterials and freeways.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.10), 10-14-2013)

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M	
P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	

Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, community (8+ persons)	P	P	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Community living arrangement (1—4 persons)				P		P	P			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	

Day care center, child (7 or more)	P	P	P	P	P	P	P	P	P	
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	-	-	P	P	P	P	P	P	P	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service									P	P
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131

Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	
Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	

Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	-	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	

Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	-	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	

Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										

Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015)

Sec. 27-73. - Lot and building regulations.

- (a) This section establishes basic lot and building regulations that apply in nonresidential and mixed-use zoning districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking and other factors may work to further limit actual building and development potential.
- (b) The lot and building standards of the following table apply to all principal and accessory uses allowed in nonresidential and mixed-use districts, unless otherwise expressly stated in this zoning ordinance. Article VII, division 1, identifies exceptions to these regulations and rules for measuring compliance (see also Figure 5-1).

	Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
L1	Minimum Lot Area (sq. ft.)	20,000	20,000[1]	43,560	87,120	20,000	20,000	20,000	30,000	30,000
L2	Minimum Lot Frontage (ft.)	100	100	150	100	100	100	100	100	100

	Maximum Density (dwelling units per acre)	NA	NA	NA	30	NA	NA	80	NA	NA
	Minimum Building/Structur e Setbacks (ft.)									
S 1	Street, front and side	50	40	75	0	50	50	0	50	75
S 2	Side, interior	20	20	20	20	20	20	20[2]	20	20
S 3	Rear	30	30	30	40	30	30	30	30	30
C	Maximum Lot Coverage (%)	80	80	80	80	80	80	80	80	80
	Maximum Building Height (stories/ft.)	5/70[3]	2/35	2/35[4]	2/35[4]	2/25	2/35[4]	3/45[4]	2/35[4]	5/70[3]
	Maximum Building Floor Area (sq. ft.)	NA	NA	NA	NA	50,000[5]	NA	NA	NA	NA

[1] Attached house developments are subject to a minimum lot area requirement of 4,000 square feet per dwelling unit.

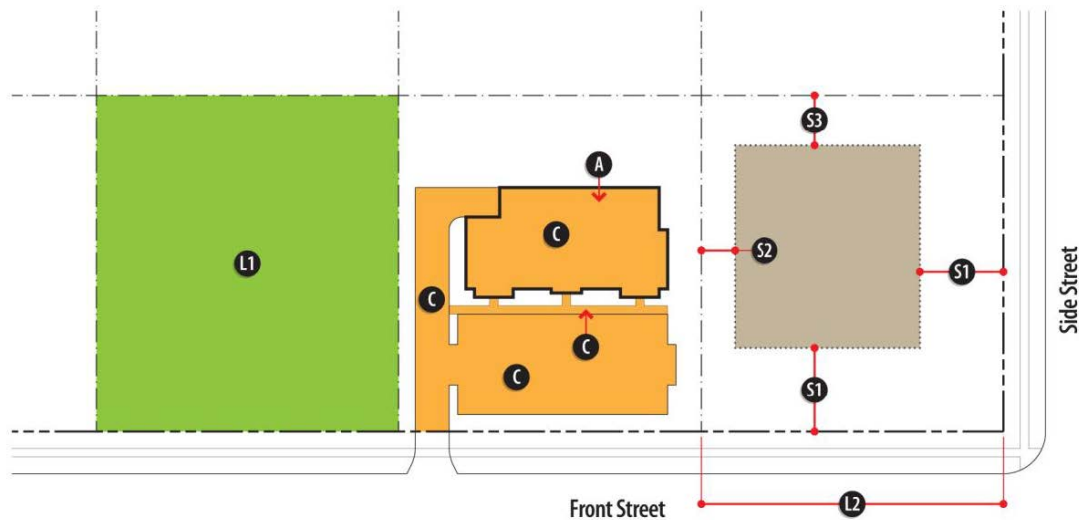
[2] No interior side setback required abutting C-1, CR-1 or C-2-zoned lots.

[3] Buildings may exceed three stories in height only if approved by fire and rescue services. Buildings in excess of five stories or 70 feet in height may be approved only through the special land use permit procedures of article V, division 3. Multi-unit residential and vertical mixed-use buildings that abut any attached single-dwelling residential district may not exceed 40 feet in height. Multi-unit residential buildings and vertical mixed-use buildings that abut any detached single-dwelling residential district may not exceed 35 feet in height.

[4] Buildings in excess stated height limits may be approved through the special land use permit procedures of article V, division 3. Buildings may exceed three stories in height only if approved by fire and rescue services.

[5] No individual building may exceed 50,000 sq. ft. (GSF). No multi-tenant center may exceed 100,000 sq. ft.

Figure 5-1: Lot and Building Regulations Diagram, Nonresidential and Mixed-use Districts



(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.30), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015)

Sec. 27-74. - Other regulations.

Uses and development in nonresidential and mixed-use zoning districts may be subject to other regulations and standards, including the following.

- (1) Nonconformities. See article VI, division 4.
- (2) Accessory uses and structures. See article III, division 3.
- (3) Parking. See article IV, division 1.
- (4) Landscaping and screening. See article IV, division 2.
- (5) Signs. See chapter 20 of the Municipal Code.
- (6) Outdoor storage. See section 27-286.
- (7) Temporary uses. See article III, division 4.
- (8) Outdoor lighting. See article IV, division 3.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.40), 10-14-2013)

Secs. 27-75—27-85. - Reserved.

PERIMETER CENTER

Vision/Intent

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

In the future, the area should add public gathering space and pocket parks, venues for live music and entertainment and continue to create transportation alternatives, mitigate congestion, and reduce remaining excessive surface parking. The area creates the conditions of possible true “live-work” environment. All future development continues to emphasize high quality design standards and building materials and incorporates the current national best practices on energy efficiency, where possible.

The City of Dunwoody recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations. However, the City has concerns about the impact of such development on the City’s infrastructure and schools.

Future Development

The Perimeter Center Character Area will be divided into four subareas (PC-1, PC-2, PC-3, and PC-4) which match the draft proposed overlay district outline that the City is reviewing as part of the Perimeter Center Zoning Code. This area was the subject of a previous LCI Study. The cities of Dunwoody, Sandy Springs, and Brookhaven work in partnership with the Perimeter Community Improvement Districts (PCIDs) to implement and complement the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

For specific recommendations on height, density and use refer to the provisions of the Perimeter Center Overlay District and Zoning, available from the Dunwoody Community Development Department.

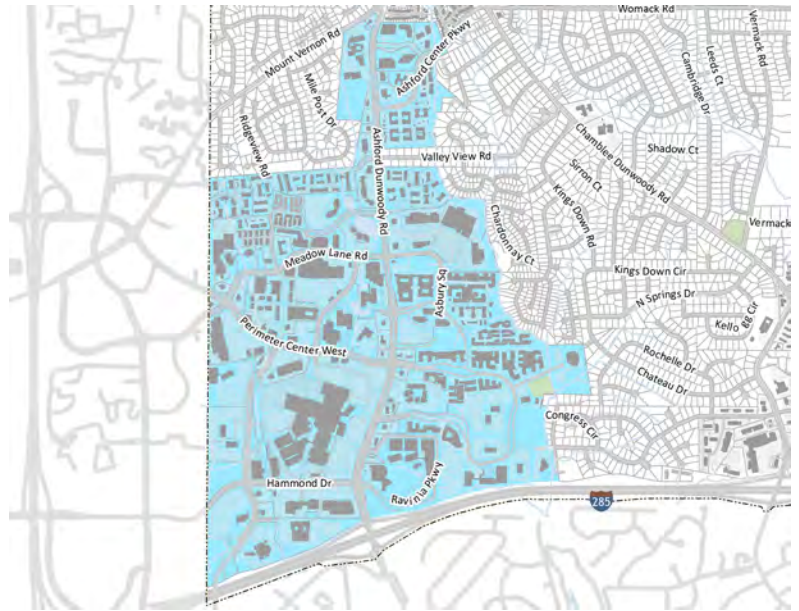


FIGURE 13: Perimeter Center Character Area Map

PC-1: Intended to apply to the central core area of Perimeter Center, including the area directly surrounding the Dunwoody MARTA train station. This district allows for the highest intensity of buildings, a high level of employment uses, and active ground story uses and design that support pedestrian mobility.

PC-2: Made up primarily of employment uses and limited shop front retail, residential, and services.

PC-3: A smaller scale, less intensive commercial district, permitting both shop front and office buildings.

PC-4: Made up primarily of residential uses at a scale that provides a transition between the intensity of Perimeter Center and the surrounding single-family residential neighborhoods.

Action Items



▲ Perimeter Mall



▲ Housing in Perimeter Center

- New development will include amenities and provide public functional green space.
- New development will be mindful of school capacity issues and applicants will work with Board of Education and City for better resolution of school issues.
- Reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station.
- Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route.
- Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services.
- Create bicycle, pedestrian and non-auto related transportation options to connect with the rest of the City of Dunwoody.
- The 2012 PCID Commuter Trail System Master Plan proposed a network of commuter trails connecting to the MARTA station.
- The 2012 PCID Perimeter Circulator Implementation report recommended circulator transit to provide first/ last mile connectivity for commuters and reduction in CID area congestion.
- The PCIDs have proposed Perimeter Park at the Dunwoody MARTA Station.
- Work with the Perimeter Transportation Management Association (TMA) to actively reduce automobile dependency and emerge as a leader in alternative transportation for the region.
- Work to strengthen Board of Education relationship for creative solutions to school capacity.
- Work with the PCIDs' boards to implement vision.
- Coordinate with the City of Sandy Springs for LCI Updates and implementation.
- Coordinate with the Atlanta Regional Commission (ARC) for implementation of future LCI study updates.
- Coordinate with MARTA regarding Bus Rapid Transit (BRT) (or other regional service) and urban design surrounding all transit stations.
- Look for ways to encourage live entertainment for the benefit of visitors and residents.

COMMUNITY IMPROVEMENT DISTRICT (CID)

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

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

SPECIAL LAND USE PERMIT APPLICATION



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

* Applicant Information:

Company Name: Dunwoody Crown Towers, LLC

Contact Name: _____

Address: 4828 Ashford Dunwoody Road, Ste 400, Atlanta, GA 30338

Phone: 770-391-1233 Fax: _____ Email: _____

Pre-application conference date (required): _____

* Owner Information: Check here if same as applicant

Owner's Name: _____

Owner's Address: _____

Phone: _____ Fax: _____ Email: _____

* Property Information:

Property Address: 244 Perimeter Center Parkway, NE, Dunwoody, GA 30346 Parcel ID: 18-329-04-055

Zoning Classification: O-I

Requested Use of the Property: Mixed use residential - CR-1

* Applicant Affidavit:

I hereby certify that to the best of my knowledge, this special land use 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: Dunwoody Crown Towers, LLC, By: Emilia Pearson

Applicant's Signature: [Signature] Date: 01/27/2016

* Notary:

Sworn to and subscribed before me this 27th Day of January, 2016

Notary Public: Stephanie Grant

Signature: [Signature]

My Commission Expires: 11-9-19



* Owner Affidavit:

I hereby certify that to the best of my knowledge, this special land use 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.

Property Owner's Name: Dunwoody Crown Towers, LLC, By: Emilia Pearson

Property Owner's Signature: [Signature] Date: 01/27/2016

* Notary:

Sworn to and subscribed before me this 27th Day of January, 2016

Notary Public: Stephanie Grant

Signature: [Signature]

My Commission Expires: 11-9-19



Neighbor Communications Survey

SLUP Applications: Dunwoody Crown Towers, LLC

February 1, 2016

1. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);

The Applicant held an applicant-initiated meeting on Monday, February 1, 2016 at the D.W. Brooks Conference Center, 244 Perimeter Center Parkway, Dunwoody, GA 30346. Notice of the applicant-initiated meeting was published in the Dunwoody Crier on January 20, 2016. A copy of the legal advertisement is attached.

On January 11, 2016, notice of the applicant-initiated meeting was also mailed to the two residentially-zoned properties within 1,000 feet of the subject 4.75-acre property. According to the City's GIS map, there are two properties within 1,000 feet of the subject property zoned for residential use. The first is the Martin Cemetery parcel located at 1191 Ashford Dunwoody (Tax Parcel ID 18 348 02 002) which is zoned R-150. The Dunwoody Preservation Trust maintains the Martin Cemetery and notice was mailed to the Executive Director of the Dunwoody Preservation Trust at 5455 Chamblee Dunwoody Rd Dunwoody, GA 30338. The second property is located at 11 Ravinia Parkway (Parcel ID 18 347 01 049), is owned by Hines Ravinia Four Limited, and is zoned OCR. Notice was mailed to Hines Ravinia Four Limited at 1 Ravinia Drive, Ste. 1160, Atlanta, GA 30346. Attached is the notice letter mailed to the Dunwoody Preservation Trust and Hines Ravinia Four Limited. Finally, notice of the meeting was also sent to the Planning Department.

2. Meeting location, date and time;

The Applicant held an applicant-initiated meeting on Monday, February 1, 2016 at the D.W. Brooks Conference Center, 244 Perimeter Center Parkway, Dunwoody, GA 30346. The meeting started at 7:00pm.

3. Who was involved in the discussions;

Mr. Charles Brown and Mr. Doug Dillard attended the meeting on behalf of the Applicant, Dunwoody Crown Towers, L.L.C. Please see the attached sign-in sheet for the meeting attendees.

4. Suggestions and concerns raised by neighbors; and

The neighbors raised concerns about the overall density and the residential component of the plan, though the concerns were directed primarily at rental units which are not being proposed by the Applicant.

5. What specific changes to the proposal were considered and/or made as a result of the meeting.

No changes are proposed at this time.

NOTICE OF NONDISCRIMINATORY POLICY AS TO STUDENTS

North Atlanta Children's Ministries, Inc., 5676 Roberts Dr., Atlanta, GA 30338, admits students of any race, color, national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students of the organization. It does not discriminate on the basis of race, color, national, and ethnic origin in administration of its educational policies, and other organization-administered programs.

NOTICE OF MEETING FOR THE PUBLIC

Dunwoody Crown Towers, LLC intends to submit a Rezoning Application and three Special Land Use Permit Applications to the City of Dunwoody for land within 1,000 feet of your property. The Applicant will be submitting a rezoning application and three Special Land Use Permit ("SLUP") Applications for property at 244 Perimeter Center Parkway in order to develop Dunwoody Crown Towers, a mixed use development with residential and non-residential uses. The Applicant will be holding a neighborhood meeting to discuss the proposed rezoning application and to answer any questions that you may have regarding the applications and proposed development. Specific details regarding the Rezoning Application, Special Land Use Permit Applications, and Applicant-initiated neighborhood meeting are below.

CASE NUMBER: TBD (this will be provided at the time the application is filed with the City)

APPLICANT NAME: Dunwoody Crown Towers, LLC

JURISDICTION: City of Dunwoody

ZONING CHANGE: O-I to CR-1 (Commercial-Residential)

SLUP Request: (1) SLUP to increase the height of the multi-unit building; (2) SLUP to increase the height of the mixed use vertical building; and a (3) SLUP to allow a multi-unit residential building within the CR-1 zoning district

STREET LOCATION: 244 Perimeter Center Parkway; +/- 4.75 acres

PROPOSED DEVELOPMENT: Multi-Unit Residential Tower; Mixed Use Vertical Tower (Hotel and Residential uses); 3-story Retail Building

APPLICANT-INITIATED MEETING
D.W. Brooks Conference Center
244 Perimeter Center Parkway (1st floor)
Dunwoody, GA 30346
February 1, 2016
7:00 pm

If you have questions about the Applications or the applicant-initiated meeting, please contact Jill Arnold at (404) 665-1243 or jarnold@pftlegal.com.

Brookhaven, from page 1

The council met later last week to complete the process but decided to send the issue to third-party mediation. That takes place today.

"The City honors its obligations," said Mayor John Ernst. "Unfortunately some of the terms of the [Garrett's] contract negotiated by previous administrations is ambiguous and does not allow the City to know what its duties are," Mayor, John Ernst said in a statement. "While working towards an orderly transition, we have become mired in conflict over the terms and conditions of that agreement. The responsible thing to do is to

have a third party resolve these disputes. We wish Marie Garrett well."

Garrett, the highest paid city manager in the state at \$214,000 per year, could be eligible for nine months pay, continued health and life insurance and retirement pay.

She originally came to the city as a consultant when it was incorporated and later was hired by Mayor J. Max Davis. Her original contract drew some fire when it was revealed she was to work only four days a week and was to be paid at her consultant hourly rate if asked to work on Fridays.

That contract was changed to a more conventional arrangement, but Garrett was able to command a higher salary because of the start-up nature of a new city.

Police Chief Gary Yandura is to be the interim city manager.

In other actions, the council elected Bates Mattison mayor pro-tem. He was elected to that position last year when Mayor Davis left office and was succeeded by Rebecca Williams.

The mayor also reaffirmed the employment of the city clerk and finance director.

THE CITY OF DUNWOODY, GEORGIA NOTICE OF PUBLIC HEARING

The City of Dunwoody Mayor and City Council will meet on Monday, February 08, 2016 at 6:00 p.m. in the Council Chambers of Dunwoody City Hall, which is located at 41 Perimeter Center East, Dunwoody, Georgia 30346, for the purpose of due process of the following:

CQ Dunwoody Village Court, LLC, owner of 1530 and 1536 Dunwoody Village Parkway, Dunwoody, GA 30338, by Marian Adeimy, attorney for contract purchaser, seeks the following for the subject property to allow for construction of a 79-unit townhome development. The property consists of two tax parcels: 18-366-06-061 located at 1530 Dunwoody Village Parkway, Dunwoody, GA 30338, and 18-366-06-065 located at 1536 Dunwoody Village Parkway, Dunwoody, GA 30338.

RZ 16-021: Rezone property currently zoned Office-Institution (O-I) District to Multi-dwelling Residential-100 (RM-100) District.

SLUP 16-021: Special Land Use Permit to waive the requirement for a development to come into full compliance with the Dunwoody Village Overlay District regulations to allow for reduction in sidewalk width from 12 ft. to 6 ft.

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.

Should you have any questions, comments, or would like to view the application and supporting materials, please contact the City of Dunwoody Community Development Department at 678-382-6800. Members of the public are encouraged to call or schedule a meeting with staff in advance of the Public Hearing if they have questions or are unfamiliar with the process. Staff is available to answer questions, discuss the decision-making process, and receive comments and concerns.

Community News:
communitynews@
criernewspapers.com

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thecrier@mindspring.com

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... or via our website
thecrier.net





Terry Landrum
Direct: 404.665.1227
tlandrum@pftlegal.com

January 11, 2016

Rebecca Keefer, AICP
City Planner/Director of Sustainability
City of Dunwoody
41 Perimeter Center East, Suite 250,
Dunwoody, GA 30346

RE: Dunwoody Crown Towers
Applicant-Initiated Neighborhood Meeting
244 Perimeter Center Parkway, DeKalb County, Atlanta, GA

Dear Rebecca:

Enclosed please find the Applicant-Initiated Meeting notice that was mailed on January 11, 2016 to residential owners of property within 1,000 feet of the subject property.

Sincerely,
PURSLEY FRIESE TORGRIMSON, LLP

Terry Landrum
Paralegal

Enclosure



**Dunwoody Crown Towers, LLC c/o Doug Dillard, Esq.
Pursley Friese Torgrimson
Promenade, Suite 1200
1230 Peachtree Street NE
Atlanta, GA 30309**

January 11, 2016

Dear Property Owner:

This letter is to inform you that Dunwoody Crown Towers, LLC intends to submit a Rezoning Application and three Special Land Use Permit Applications to the City of Dunwoody for land within 1,000 feet of your property. The Applicant will be submitting a rezoning application and three Special Land Use Permit ("SLUP") Applications for property at 244 Perimeter Center Parkway in order to develop Dunwoody Crown Towers, a mixed use development with residential and non-residential uses. The Applicant will be holding a neighborhood meeting to discuss the proposed rezoning application and to answer any questions that you may have regarding the applications and proposed development. Specific details regarding the Rezoning Application, Special Land Use Permit Applications, and Applicant-initiated neighborhood meeting are below.

CASE NUMBER: *TBD (this will be provided at the time the application is filed with the City)*

APPLICANT NAME: Dunwoody Crown Towers, LLC

JURISDICTION: City of Dunwoody

ZONING CHANGE: O-I to CR-1 (Commercial-Residential)

SLUP Request: (1) SLUP to increase the height of the multi-unit building; (2) SLUP to increase the height of the mixed use vertical building; and a (3) SLUP to allow a multi-unit residential building within the CR-1 zoning district

STREET LOCATION: 244 Perimeter Center Parkway; +/- 4.75 acres


PROPOSED DEVELOPMENT: Multi-Unit Residential Tower; Mixed Use Vertical Tower (Hotel and Residential uses); 3-story Retail Building

APPLICANT-INITIATED MEETING

D.W. Brooks Conference Center
244 Perimeter Center Parkway (1st floor)
Dunwoody, GA 30346
February 1, 2016
7:00 pm

If you have questions about the Applications or the applicant-initiated meeting, please contact Jill Arnold at (404) 665-1243 or jarnold@pftlegal.com.

Sincerely,


Jillian Arnold

SIGN IN SHEET for NEIGHBORS

Dunwoody Crown Towers

February 1, 2016

NAME	ADDRESS	PHONE	E-MAIL
Bill GROSSMAN	5061 HIDDEN BRANCHES DR DUNWOODY, GA 30338	770 551 0324	BILL.GROSSMAN@ COMCAST.NET
Bob DALLAS	1445 Valley View Rd Dunwoody, GA 30378	770-331-4040	bobdallas@gmail.com
Dyana Bagley	645 Forest Hills Dr Sandy Springs 30342	404-353-8514	dyana.bagley@ reporternewspapers.com
RYAN ESSLINGER	1416 WORNACK RD DUNWOODY, GA 30338	(404) 273-0185	RESSLING@GMAIL.COM
OTHERYL SUMMERS	TILLY MILL RD DUNWOODY 30338		OTASUMMERS76 @GMAIL.COM
G Douglas Dillard	1230 Peachtree Ct Atlanta 30309		
Jenny Wall	1344 Vernon North Dr Dunwoody GA 30338	404 404- 915-6693	Terry.Nail@ dunwoodyga.gov
John Heneghan	4624 Buckley Ct Dunwoody GA 30338	770-234- 0678	John.Heneghan@ dunwoodyga.gov
Charlie Brown	Crown Holdings		

Letter of Intent and Review Criteria

City of Dunwoody Special Land Use Permit Application

Applicant: Dunwoody Crown Towers, LLC

Property: 244 Perimeter Center Parkway

+/- 4.75 acres of Land

Located in

Land Lot 329 of the 18th District, DeKalb County

3 SLUP Requests: (1) a SLUP to increase the height of the multi-unit residential building; (2) a SLUP to increase the height of the mixed use vertical building; and (3) a SLUP to allow multi-unit residential use in the CR-1 zoning district.

Submitted for Applicant by:

G. Douglas Dillard

Jillian Skinner Arnold

PURSLEY FRIESE TORGRIMSON

1230 Peachtree Street, Suite 1200

Atlanta, Georgia 30309

(404) 665-1243

ddillard@pftlegal.com

jarnold@pftlegal.com

I. INTRODUCTION

The +/- 4.75 acre property is located at 244 Perimeter Center Parkway and is currently zoned O-I (the "Property"). It is bordered by I-285 to the south, Perimeter Center Parkway to the west, Ashford-Dunwoody Road to the east, and a shopping center development to the north. The Applicant, Dunwoody Crown Towers, LLC, intends to develop Dunwoody Crown Towers, a mixed use development with luxury residential and non-residential uses that will significantly enrich the design and livability of the Perimeter Center area and create a true gateway to the City of Dunwoody.

The Applicant respectfully requests 3 Special Land Use Permits ("SLUPs") from the City of Dunwoody: (1) a SLUP to increase the height of the multi-unit residential building ("Crown Tower 1" on enclosed conceptual drawings); (2) a SLUP to increase the height of the mixed use vertical building ("Crown Tower 2" on conceptual drawings); and (3) a SLUP to allow multi-unit residential use in the CR-1 zoning district.

Concurrent with the 3 Special Land Use Permit ("SLUP") Applications, the Applicant is also submitting an Amendment Application for the Property and a Variance Application for the adjacent property. The Amendment Application requests said Property (4.75-acre parcel-"Site B" on the enclosed site plan) be rezoned from O-I to CR-1 in order to develop Dunwoody Crown Towers, which includes (i) one mixed use vertical building with a hotel, residential units, and accessory uses, (ii) one multi-unit residential building, and (iii) a retail building. The requested 0' front yard setback variance is for the existing Goldkist building on the adjacent 10.2-acre property, which will be set back 0' from the proposed new road extending to the Property.

The Property is currently part of a larger 15 acre-parcel, but will be subdivided as a legally separate lot upon approval of the rezoning request by the Dunwoody City Council. Therefore, the current 15-acre parcel will be split into two tracts-Site A (+/-9.2 acres, after road dedication) and Site B (+/-4.75 acres, after road dedication) as shown on the enclosed Site Plan. The owner is dedicating approximately 1.03 acres for the extension of a new road from the existing Goldkist Road to the Property at Site B. This subdivision is necessitated by the City's prohibition of dual-zoned parcels. Please note, the rezoning and SLUP applications are for Site B. **Site A is NOT included in the rezoning or SLUP applications.** Site A is shown on the conceptual plans to illustrate existing entitlements pursuant to the variance granted by DeKalb County on February 9, 1999. Site A will remain zoned O-I with existing entitlements as shown on the enclosed conceptual plans.

II. SLUP REQUEST

The Applicant has included its 3 SLUP requests in one SLUP application. Each SLUP request will be explained in detail below and evaluated based on the criteria established by the City of

Dunwoody. The Applicant's 3 SLUP requests satisfy the City's criteria for SLUP applications as set forth in Section III below. As such, the Applicant respectfully requests the City Council grant the SLUP applications, as requested by the Applicant.

Brief Zoning History

The 15-acre parcel currently has significant non-residential development entitlements. In 1999, DeKalb County approved four variances for the 15-acre parcel at 244 Perimeter Center Parkway: (1) a 28-story hotel; (2) a conference center and parking structure (6 levels with 600 parking spaces); (3) two 24-story office buildings; and (4) two 10-level parking decks with 4,304 parking spaces. These entitlements remain on the 15-acre parcel today. The Applicant intends to concentrate the existing above-referenced entitlements on the adjacent 9.2-acre parcel (acreage calculation after road dedication), and rezone the subject Property to CR-1 in order to add a residential mix of uses into the overall development to create a true transit-oriented mixed use community. The current development entitlements (i.e. a 28-story hotel, conference center with parking structure, two 28-story office buildings, and a parking deck) fit within the 9.2-acre parcel while still complying with O-I development regulations, including lot coverage.

The Proposed Development is Consistent with Dunwoody's Comprehensive Plan

The Applicant's proposed development and SLUP requests are consistent with the City of Dunwoody's Comprehensive Plan. The subject property is located in the Perimeter Center Character Area, which seeks to be a "livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants" to create a true "live-work" environment.¹ The City recognizes the value in mixed-use, transit-oriented development, but has concerns about the impact on schools.² Additional goals of the City's Comprehensive Plan include:

- Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational, and other necessary services.³
- Increase connectivity and enhance transportation options for all forms of travel.⁴
- Reduce surface parking and promote livable centers in the immediate areas surrounding the MARTA station.⁵
- Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route.⁶

¹ City of Dunwoody Comprehensive Plan, p. 25.

² *Id.* at 25.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 26.

⁶ *Id.* at 26.

The Applicant's proposed mixed use development and SLUP requests are consistent with the goals and intent of the Perimeter Center Character Area. The rezoning and SLUP requests seek to add luxury residences to the non-residential uses in the area, thereby creating a true "livable" center where Dunwoody residents are able to live, work, shop, play, and access mass transit within one development. Looking at the broader context, this Property is situated next to the new State Farm campus, Perimeter Center Mall, and the yet-to-be-developed GID/High Street site, which likewise includes a mix of land uses. This development complements each of those developments by adding residential opportunities for the employees of State Farm and the adjacent office uses.

Moreover, the residential component of the mixed use project will be well-suited for those Dunwoody residents looking to "age in place" within the City. These individuals are looking to downsize from larger single-family detached homes to smaller residences with less maintenance, yet still remain in the community and part of their established social networks. The Applicant's proposed residences will provide an "age in place" opportunity for Dunwoody residents looking to downsize yet remain in Dunwoody.

Overall, the proposed mixed use development will complement the surrounding mix of uses in the area, is consistent with the City's Comprehensive Plan and its vision for a "live work" mixed use environment in the Perimeter Center area, and provides residential options to those already living in Dunwoody and for those who want to move to the area. Sufficient parking is provided on site, and MARTA is within walking distance of the Property making transit a realistic transportation alternative. The heights and uses proposed in the enclosed SLUP applications are also consistent with the City's draft Perimeter Center District. The Perimeter Center District (PC-1) envisions a mix of uses in a development, and promotes heights up to 30 stories. Owner-occupied residences, hotels, and retail uses are permitted by right in the PC-1 District.

III. IMPACT ANALYSIS

This section includes the Applicant's responses for each of the three SLUP requests. As such, the Applicant respectfully requests the City Council grant the SLUP applications.

1. SLUP to Increase the Height of the Multi-Unit Residential Building to 35 Stories (Crown Tower 1)

The Applicant satisfies all of the criteria for the requested SLUP as set forth in the City's Zoning Code, Section 27-359.

a. **Whether the proposed use is consistent with the policies of the comprehensive plan.**

Yes, the proposed use and height is consistent with the policies and intent of the City's Comprehensive Plan. The subject property is located in the Perimeter Center Character Area, which seeks to be a "livable regional center with first-class office, retail, entertainment, hotels,

and high-end restaurants” to create a true “live-work” environment. The rezoning request seeks to add high-quality residential units to the area, thereby creating a true “livable” center where Dunwoody residents are able to live, work, shop, play, and access mass transit within one development. A well-designed, high-rise residential tower is appropriate for the area.

Overall, the proposed mixed use development will complement the surrounding mix of uses in the area, is consistent with the City’s Comprehensive Plan and its vision for a “live work” mixed use environment in the Perimeter Center area, and provides residential options to those already living in Dunwoody and those who want to move to the area.

b. Whether the proposed use complies with the requirements of the zoning ordinance.

Yes, the proposed use complies with the requirements of the CR-1 Zoning District. The CR-1 Zoning District supports a mix of residential and commercial uses within one development, which is what is proposed by the Applicant here. Moreover, the Code anticipates the need to exceed the 3-story height limit in the CR-1 zoning district by permitting height increases through the SLUP process. The height is also consistent with the current draft copy of the Perimeter Center Zoning District (PC-1) which envisions a mix of uses in a development, and promotes buildings up to 30 stories. The proposed height of the multi-unit building, at 32-35 stories, is consistent with the future vision for this area. The Perimeter Center area has been designated a “gateway” to Dunwoody and as such must promote projects of the highest and most unique quality, such as the Applicant’s proposed Crown Dunwoody Towers development.

c. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district.

Yes, the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking, and all other applicable requirements of the subject zoning district. The proposed development is well within the open space requirements of the CR-1 zoning district. The CR-1 zoning district requires 20% open space. The proposed development is currently showing approximately 40% open space on the Property. Moreover, the development is adequately parked. The Dunwoody Zoning Code allows a 25% reduction in the number of parking spaces if the property is located within 1,500 feet of a MARTA station. *See* Dunwoody Code, Section 27-204. Here, the Property is located within 1,500 feet of the MARTA station and therefore the reduction in parking provision is applicable upon approval by the Community Development Director. Moreover, the Property’s close proximity to MARTA makes transit a realistic transportation

alternative.

d. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:

The proposed use is compatible with adjacent properties and land uses which are mostly non-residential in character. As noted above, the Property is bordered by I-285 to the south, Perimeter Center Parkway to the west, Ashford-Dunwoody Road to the east, and a shopping center development to the north. More specifically, the Property is situated next to the new State Farm site, Perimeter Center Mall, and the yet-to-be-developed GID/High Street site, which likewise includes a mix of land uses. The proposed residential uses on the Property within the broader mixed-use campus will promote the “live work” goals of the Perimeter Center area and complement nearby employment centers by providing residential opportunities for those Dunwoody employees.

e. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.

No, the proposed use will not create any adverse impacts upon adjoining land uses reason of noise, smoke, odor, dust or vibration generated by the proposed use. The proposed residential use is relatively low-impact and will not generate burdensome or obtrusive noise, smoke, odor, dust or vibration in its operations.

f. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The surrounding land uses are all non-residential uses, which will not be negatively impacted by the hours of operation of the proposed residential, hotel, retail, and accessory uses.

g. Whether the proposed use will create adverse impact upon any adjoining land use by reason of the manner of operation of the proposed use.

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

h. Whether the proposed use will create adverse impact upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the propose use.

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use. The proposed development may actually reduce the burden on road infrastructure and existing transportation facilities in the area by providing new transportation infrastructure.

Moreover, the Property's close proximity to the Dunwoody MARTA station makes transit a realistic transportation alternative.

- i. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.**

Yes, the size, scale and massing of the proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. The proposed multi-unit building height will be between 32-35 stories in height. This height is appropriate in light of the significant height entitlements on the adjacent 9.2-acre parcel (Site A), which includes a 28-story hotel and two 24-story office buildings, and the heights of surrounding building in the Perimeter area, with the adjacent Ravinia building at 31 stories and the King and Queen towers along the I-285 Corridor at 28 stories.

- j. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.**

No, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The proposed development is located next to the Martin family cemetery. The development will have no impact on the cemetery or the easement providing ingress to and from the cemetery. The cemetery will at all times be protected. The Applicant has spoken with representatives from the Dunwoody Preservation Trust, the organization tasked with maintaining the cemetery, to work on a mutually beneficial strategy for the cemetery's continued maintenance and accessibility.

- k. Whether public services, public facilities and utilities – including motorized and non-motorized transportation facilities – are adequate to serve the proposed use.**

Yes, public services, facilities and utilities are adequate to serve the proposed use. The project is also adjacent to the Dunwoody MARTA station which makes transit a realistic transportation alternative for those commuting to and from the Property.

- l. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access.**

Yes, adequate means of ingress and egress are proposed for the site. The site may be accessed off of Perimeter Center Parkway from a newly-created road with sufficient capacity to handle any new trips generated by the Applicant's proposed development. Future transportation improvements in this area may also add another access point directly off of I-285 to the Property, though this access point (the proposed Westside Connector) has not yet been approved. The Property is also accessible by transit and a pedestrian path from the MARTA station to the Property.

m. Whether adequate provision has been made for refuse and service areas.

Yes, adequate provision has been made for refuse and service areas.

n. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

No, the proposed building will not create a negative shadow impact on any adjoining lot or building. Buildings to the east and west of the Property have similar heights, at 28-stories, 24-stories, and 31-stories across Ashford-Dunwoody Road.

2. SLUP to Increase the Height of the Mixed-Use, Vertical Building to 29 Stories (Crown Tower 2)

The Applicant satisfies all of the criteria for the requested SLUP as set forth in the City's Zoning Code, Section 27-359.

a. Whether the proposed use is consistent with the policies of the comprehensive plan.

Yes, the proposed use and height is consistent with the policies and intent of the City's Comprehensive Plan. The subject property is located in the Perimeter Center Character Area, which seeks to be a "livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants" to create a true "live-work" environment. The rezoning request seeks to add high-quality residential units to the area, thereby creating a true "livable" center where Dunwoody residents are able to live, work, shop, play, and access mass transit within one development. A well-designed, high-rise vertical mixed use tower, with residences and hotel uses, is appropriate for the area.

Overall, the proposed mixed use development will complement the surrounding mix of uses in the area, is consistent with the City's Comprehensive Plan and its vision for a "live work"

mixed use environment in the Perimeter Center area, and provides residential options to those already living in Dunwoody and those who want to move to the area.

b. Whether the proposed use complies with the requirements of the zoning ordinance.

Yes, the proposed use complies with the requirements of the CR-1 Zoning District. The CR-1 Zoning District supports a mix of residential and commercial uses within one development, which is what is proposed by the Applicant here. Moreover, the Code anticipates the need to exceed the 3-story height limit in the CR-1 zoning district by permitting height increases through the SLUP process. The height is also consistent with the current draft copy of the Perimeter Center Zoning District (PC-1) envisions a mix of uses in a development, and promotes buildings up to 30 stories. The proposed height of the mixed use vertical building, between 27-29 stories, is consistent with the future vision for this area. The Perimeter Center area has been designated a “gateway” to Dunwoody and as such must promote projects of the highest and most unique quality, such as the Applicant’s proposed Crown Dunwoody Towers development.

c. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district.

Yes, the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking, and all other applicable requirements of the subject zoning district. The proposed development is well within the open space requirements of the CR-1 zoning district. The CR-1 zoning district requires 20% open space. The proposed development is currently showing approximately 40% open space on the Property. Moreover, the development is adequately parked. The Dunwoody Zoning Code allows a 25% reduction in the number of parking spaces if the property is located within 1,500 feet of a MARTA station. *See* Dunwoody Code, Section 27-204. Here, the Property is located within 1,500 feet of the MARTA station and therefore the reduction in parking provision is applicable upon approval by the Community Development Director. Moreover, the Property’s close proximity to MARTA makes transit a realistic transportation alternative.

d. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:

The proposed use is compatible with adjacent properties and land uses which are mostly non-residential in character. As noted above, the Property is bordered by I-285 to the south,

Perimeter Center Parkway to the west, Ashford-Dunwoody Road to the east, and a shopping center development to the north. More specifically, the Property is situated next to the new State Farm site, Perimeter Center Mall, and the yet-to-be-developed GID/High Street site, which likewise includes a mix of land uses. The proposed residential uses on the Property within the broader mixed-use campus will promote the “live work” goals of the Perimeter Center area and complement nearby employment centers by providing residential opportunities for those Dunwoody employees.

- e. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.**

No, the proposed use will not create any adverse impacts upon adjoining land uses reason of noise, smoke, odor, dust or vibration generated by the proposed use. The proposed hotel, residential and retail uses are relatively low-impact uses that will not generate burdensome or obtrusive noise, smoke, odor, dust or vibration.

- f. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The surrounding land uses are all non-residential uses, which will not be negatively impacted by the hours of operation of the proposed residential, hotel, retail, and accessory uses.

- g. Whether the proposed use will create adverse impact upon any adjoining land use by reason of the manner of operation of the proposed use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

- h. Whether the proposed use will create adverse impact upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the propose use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use. The proposed development may actually reduce the burden on road infrastructure and existing transportation facilities in the area by providing new transportation infrastructure. Moreover, the Property’s close proximity to the Dunwoody MARTA station makes transit a realistic transportation alternative.

- i. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.**

Yes, the size, scale and massing of the proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. The proposed mixed use vertical building will be between 27-29 stories in height. This height is appropriate in light of the significant height entitlements on the adjacent 9.2-acre parcel (Site A), which includes a 28-story hotel and two 24-story office buildings, and the heights of surrounding building in the Perimeter area, with the adjacent Ravinia building at 31 stories and the King and Queen towers along the I-285 Corridor at 28 stories.

- j. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.**

No, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The proposed development is located next to the Martin family cemetery. The development will have no impact on the cemetery or the easement providing ingress to and from the cemetery. The cemetery will at all times be protected. The Applicant has spoken with representatives from the Dunwoody Preservation Trust, the organization tasked with maintaining the cemetery, to work on a mutually beneficial strategy for the cemetery's continued maintenance and accessibility.

- k. Whether public services, public facilities and utilities – including motorized and non-motorized transportation facilities – are adequate to serve the proposed use.**

Yes, public services, facilities and utilities are adequate to serve the proposed use. The project is also adjacent to the Dunwoody MARTA station which makes transit a realistic transportation alternative for those commuting to and from the Property.

- l. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access.**

Yes, adequate means of ingress and egress are proposed for the site. The site may be accessed off of Perimeter Center Parkway from a newly-created road with sufficient capacity to handle any new trips generated by the Applicant's proposed development. Future transportation improvements in this area may also add another access point directly off of I-285 to the Property, though this access point (the proposed Westside Connector) has

not yet been approved. The Property is also accessible by transit and a pedestrian path from the MARTA station to the Property.

m. Whether adequate provision has been made for refuse and service areas.

Yes, adequate provision has been made for refuse and service areas.

n. Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

No, the proposed building will not create a negative shadow impact on any adjoining lot or building. Buildings to the east and west of the Property have similar heights, at 28-stories, 24-stories, and 31-stories across Ashford-Dunwoody Road.

3. SLUP to Allow Multi-Unit Residential Use on the Property (Crown Tower 1)

The Applicant satisfies all of the criteria for the requested SLUP as set forth in the City's Zoning Code, Section 27-359.

a. Whether the proposed use is consistent with the policies of the comprehensive plan.

Yes, the proposed use and height is consistent with the policies and intent of the City's Comprehensive Plan. The subject property is located in the Perimeter Center Character Area, which seeks to be a "livable regional center with first-class office, retail, entertainment, hotels, and high-end restaurants" to create a true "live-work" environment. The rezoning request seeks to add high-quality residential units to the area, thereby creating a true "livable" center where Dunwoody residents are able to live, work, shop, play, and access mass transit within one development. A well-designed, residential tower is appropriate for the area.

The Comprehensive Plan also promotes "high quality design standards and building materials." The Applicant's proposed luxury residential tower will include high quality finishes and amenities, including hardwood flooring in foyer, kitchens and bathrooms, quartz countertops, stainless steel appliances, walk-in closets with custom shelving, and smart home technology with thermostats and keyless locks. A Homeowners Association will be created to manage residential operations.

In addition to the luxury features included in each individual unit, residents will have access to various amenities including a spacious club room with bar, indoor & outdoor fireplaces, and

state of the art outdoor kitchen, a business center, fitness center, pools and cabanas, and a massage/treatment room.

Overall, the proposed mixed use development will complement the surrounding mix of uses in the area, is consistent with the City's Comprehensive Plan and its vision for a "live work" mixed use environment in the Perimeter Center area, and provides residential options to those already living in Dunwoody and those who want to move to the area.

b. Whether the proposed use complies with the requirements of the zoning ordinance.

Yes, the proposed use complies with the requirements of the CR-1 Zoning District. The CR-1 Zoning District supports a mix of residential and commercial uses within one development, which is what is proposed by the Applicant here. Moreover, the Code anticipates the need to exceed the 3-story height limit in the CR-1 zoning district by permitting height increases through the SLUP process. The Perimeter Center area has been designated a "gateway" to Dunwoody and as such must promote projects of the highest and most unique quality, such as the Applicant's proposed Crown Dunwoody Towers development.

c. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district.

Yes, the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking, and all other applicable requirements of the subject zoning district. The proposed development is well within the open space requirements of the CR-1 zoning district. The CR-1 zoning district requires 20% open space. The proposed development is currently showing approximately 40% open space on the Property. Moreover, the development is adequately parked. The Dunwoody Zoning Code allows a 25% reduction in the number of parking spaces if the property is located within 1,500 feet of a MARTA station. *See* Dunwoody Code, Section 27-204. Here, the Property is located within 1,500 feet of the MARTA station and therefore the reduction in parking provision is applicable upon approval by the Community Development Director. Moreover, the Property's close proximity to MARTA makes transit a realistic transportation alternative.

d. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:

The proposed use is compatible with adjacent properties and land uses which are mostly non-residential in character. As noted above, the Property is bordered by I-285 to the south, Perimeter Center Parkway to the west, Ashford-Dunwoody Road to the east, and a shopping

center development to the north. More specifically, the Property is situated next to the new State Farm site, Perimeter Center Mall, and the yet-to-be-developed GID/High Street site, which likewise includes a mix of land uses. The proposed residential uses on the Property within the broader mixed-use campus will promote the “live work” goals of the Perimeter Center area and complement nearby employment centers by providing residential opportunities for those Dunwoody employees.

- e. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.**

No, the proposed use will not create any adverse impacts upon adjoining land uses reason of noise, smoke, odor, dust or vibration generated by the proposed use. The proposed residential use is relatively low-impact and will not generate burdensome or obtrusive noise, smoke, odor, dust or vibration.

- f. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The surrounding land uses are all non-residential uses, which will not be negatively impacted by the hours of operation of the proposed residential, hotel, retail, and accessory uses.

- g. **Whether the proposed use will create adverse impact upon any adjoining land use by reason of the manner of operation of the proposed use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

- h. **Whether the proposed use will create adverse impact upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the propose use.**

No, the proposed use will not create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use. The proposed development may actually reduce the burden on road infrastructure and existing transportation facilities in the area by providing new transportation infrastructure. Moreover, the Property’s close proximity to the Dunwoody MARTA station makes transit a realistic transportation alternative.

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Yes, the size, scale and massing of the proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. The proposed multi-unit building height will be between 32-35 stories in height. This height is appropriate in light of the significant height entitlements on the adjacent 9.2-acre parcel (Site A), which includes a 28-story hotel and two 24-story office buildings, and the heights of surrounding building in the Perimeter area, with the adjacent Ravinia building at 31 stories and the King and Queen towers along the I-285 Corridor at 28 stories.

- j. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.**

No, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The proposed development is located next to the Martin family cemetery. The development will have no impact on the cemetery or the easement providing ingress to and from the cemetery. The cemetery will at all times be protected. The Applicant has spoken with representatives from the Dunwoody Preservation Trust, the organization tasked with maintaining the cemetery, to work on a mutually beneficial strategy for the cemetery's continued maintenance and accessibility.

- k. Whether public services, public facilities and utilities – including motorized and non-motorized transportation facilities – are adequate to serve the proposed use.**

Yes, public services, facilities and utilities are adequate to serve the proposed use. The project is also adjacent to the Dunwoody MARTA station which makes transit a realistic transportation alternative for those commuting to and from the Property.

- l. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access.**

Yes, adequate means of ingress and egress are proposed for the site. The site may be accessed off of Perimeter Center Parkway from a newly-created road with sufficient capacity to handle any new trips generated by the Applicant's proposed development. Future transportation improvements in this area may also add another access point directly off of I-285 to the Property, though this access point (the proposed Westside Connector) has

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No, the proposed building will not create a negative shadow impact on any adjoining lot or building. Buildings to the east and west of the Property have similar heights, at 28-stories, 24-stories, and 31-stories across Ashford-Dunwoody Road.

IV. REQUIRED CONSTITUTIONAL NOTICE

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

The portions of the City of Dunwoody Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Dunwoody Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, or to any zoning classification other than the classification as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

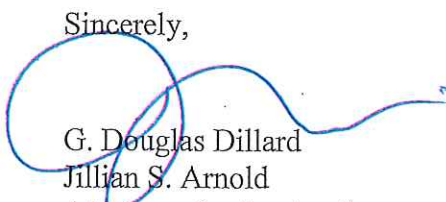
A denial of this Application would constitute an arbitrary and capricious act by the City of Dunwoody City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of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

A refusal by City of Dunwoody City Council to approve the Applicant's 3 requested SLUP applications in accordance with the zoning and SLUP criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning or SLUP approval of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the SLUP Applications meet the requirements of the City of Dunwoody Zoning Code.

If there are any questions about the SLUP requests, you may contact me at 404-665-1243 or at jarnold@pftlegal.com.

Sincerely,



G. Douglas Dillard
Jillian S. Arnold
Attorneys for the Applicant

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: Dunwoody Crown Towers, LLC

Signature: [Handwritten Signature] Date: 01/27/2014
Address: 4828 Ashford Dunwoody Road, Ste 400, Atlanta, GA 30338

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

Date	Government Official	Official Position	Description	Amount

CAMPAIGN DISCLOSURE STATEMENT

G. DOUGLAS DILLARD and JILLIAN S. ARNOLD, of the law firm of PURSLEY FRIESE TORGRIMSON, and formerly of WEISSMAN, NOWACK, CURRY & WILCO, P.C., have been retained to represent DUNWOODY CROWN TOWERS, LLC before the CITY OF DUNWOODY, GEORGIA. Pursuant to the provisions of O.C.G.A. §36-67A-3, please find below a list of the contributions made by the above-named individuals, or the law firms of WEISSMAN, NOWACK, CURRY & WILCO, P.C. and PURSLEY FRIESE TORGRIMSON, in the past two years, aggregating \$250.00 or more, to local government officials who may review this Application.

NAME OF GOV'T. OFFICIAL	POSITION	AMOUNT OF CONTRIBUTION	DATE OF CONTRIBUTION
None			

PURSLEY FRIESE TORGRIMSON

By: 
G. Douglas Dillard

By: 
Jillian S. Arnold

Date: 2/1/2014

1230 Peachtree Street, NE
Suite 1200
Atlanta, GA 30309
404-665-1243

LEGAL DESCRIPTION – TRACT B

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 329 & 330 of the 18th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the Western Right-of-Way line of Ashford Dunwoody Rd (Right-of-Way Varies), and the Northern Right-of-Way line of Interstate 285 (Right-of-Way Varies), said point being the TRUE POINT OF BEGINNING;

Thence leaving the Western Right-of-Way line of Ashford Dunwoody Rd and following along the Northern Right-of-Way line of Interstate 285, South 59 degrees 59 minutes 24 seconds West, a distance of 768.56 feet to a point;

Thence leaving the Northern Right-of-Way line of Interstate 285 (Right-of-Way Varies), North 00 degrees 12 minutes 53 seconds West, a distance of 218.34 feet to a point;

Thence North 89 degrees 47 minutes 07 seconds West, a distance of 207.86 feet to a point;

Thence North 00 degrees 12 minutes 53 seconds East, a distance of 161.70 feet to a point;

Thence South 89 degrees 47 minutes 07 seconds East, a distance of 100.09 feet to a point;

Thence North 00 degrees 12 minutes 53 seconds East, a distance of 63.60 feet to a point;

Thence South 89 degrees 33 minutes 22 seconds East, a distance of 787.85 feet to an iron pin with cap found on the Western Right-of-Way line of Ashford Dunwoody Rd (Right-of-Way Varies);

Thence continuing along said Right-of-Way, South 16 degrees 51 minutes 13 seconds West, a distance of 55.90 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract containing 4.725 acres.

DUNWOODY CROWN TOWERS

RE-ZONING APPLICATION FOR SITE "B"

244 PERIMETER
CENTER PARKWAY,
DUNWOODY GA

DRI NUMBER: 2567

PROJECT TEAM

OWNER

CROWN HOLDINGS GROUP

4828 ASHFORD DUNWOODY RD, ATLANTA GA 30338

Contact: NAME
CHARLIE BROWN

ARCHITECT

THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC

1230 PEACHTREE ST NE, SUITE 2700 ATLANTA GA 30309

Contact: ROB SVEDBERG
404.840.4762

ATTORNEYS

PURSLEY FRIESE TORGRIMSON

PROMENADE SUITE 1200 1230 PEACHTREE ST NE ATLANTA GA 30309

Contact: G. DOUG DILLARD
404.665.1244

TRAFFIC CONSULTANT

MORELAND ALTOBELLI ASSOCIATES, INC.

2450 COMMERCE AVENUE, SUITE 100, DULUTH, GA 30096

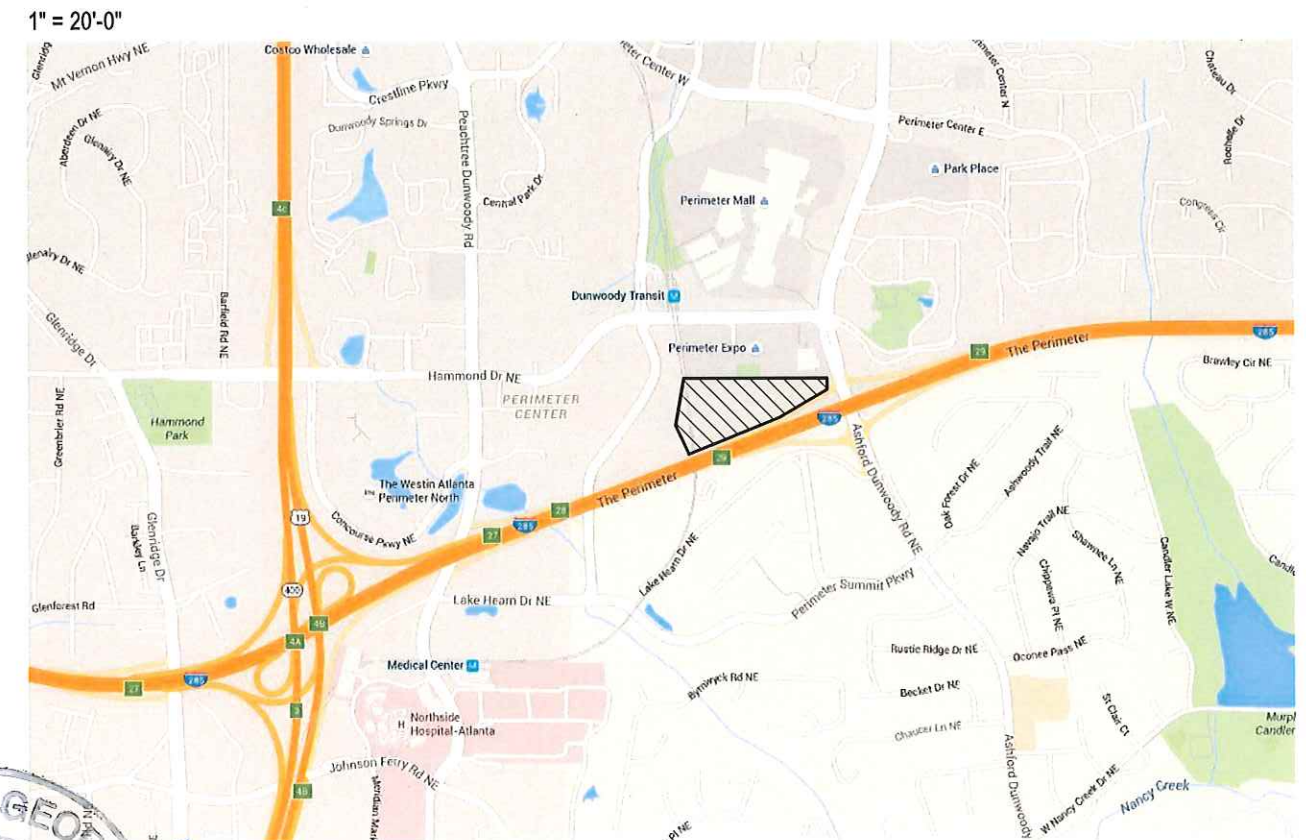
Contact: KARLA POSHEDLY
770.263.5945

Sheet List

Sheet Number	Sheet Name
CP-000	COVERSHEET
CP-001	CONCEPTUAL PLAN - SITE
CP-002	CONCEPTUAL PLAN - ELEVATIONS
CP-003	CONCEPTUAL PLAN - MASSING
CP-004	STREET SECTION & TRANSIT PROXIMITY
CP-005	PEDESTRIAN CIRCULATION
CP-006	CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION
CP-007	CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION
CP-008	CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION
CP-009	CONCEPTUAL STREET SECTIONS @ PUBLIC R.O.W.

NOTE: PARKING FOR SITE "B" IS ACCOMMODATED WITHIN PARKING DECKS; THEREFORE LANDSCAPING PLAN FOR PARKING AREAS IS NOT INCLUDED.

LOCATION MAP



-399-

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THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC.
1230 PEACHTREE STREET NE SUITE 2700 ATLANTA, GEORGIA 30309
404-888-6600

CROWN

HOLDINGS GROUP

CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338



PROJECT **DUNWOODY CROWN TOWERS**
RE-ZONING APPLICATION FOR SITE "B"
COVERSHEET

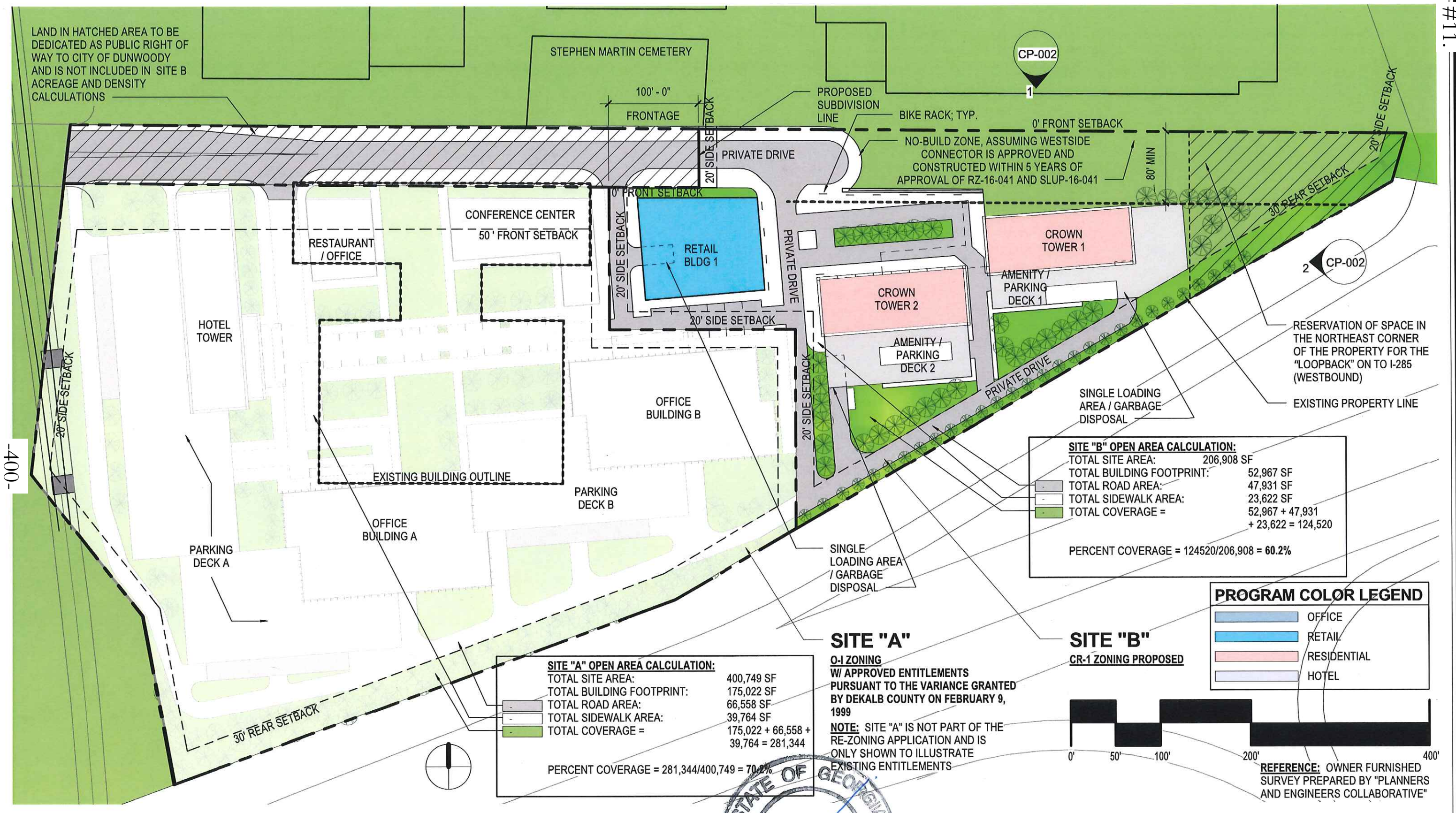
244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

DATE
04/29/2016

PROJECT NO.
04513.000

DWG NO.

CP-000 #11.



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404-888-6600

CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338



PROJECT: DUNWOODY CROWN TOWERS
RE-ZONING APPLICATION FOR SITE "B"
TITLE: CONCEPTUAL PLAN - SITE
SCALE: As indicated
DATE: 04/29/2016
PROJECT NO.: 04513.000

244 PERIMETER CENTER PARKWAY, DUNWOODY GA

DWG NO.
CP-001

SITE "A" PROPOSED DENSITY

9.2 ACRES -- O-I ZONING
W/ APPROVED ENTITLEMENTS PURSUANT TO THE VARIANCE GRANTED
BY DEKALB COUNTY ON FEBRUARY 9, 1999

OFFICE BUILDING A: 24 FLOORS -- 567,000 SF
 OFFICE BUILDING B: 24 FLOORS -- 567,000 SF
 HOTEL TOWER: 28 FLOORS -- 356,200 SF
 PARKING DECK A: 10 FLOORS -- 827,200 SF = 2753 CARS
 PARKING DECK B: 10 FLOORS -- 352,000 SF = 1173 CARS
 RESTAURANT/OFFICE: 5 FLOORS -- 32,452 SF
 CONFERENCE CENTER: 5 FLOORS -- 63,442 SF

TOTAL SITE AREA: 400,749 SF
 TOTAL BUILDING FOOTPRINT: 175,022 SF
 TOTAL PAVED AREA: 106,322 SF
 TOTAL COVERAGE = 281,344 SF
 PERCENT COVERAGE = 281,344/400,749 = 70.2%

SITE "A" LAND USE INTENSITY

W/ APPROVED ENTITLEMENTS PURSUANT TO THE VARIANCE GRANTED
BY DEKALB COUNTY ON FEBRUARY 9, 1999
 ON CURRENT 15 ACRES = 2.59 MILLION SF (TOTAL GROSS AREA LESS PARKING)
 ON PROPOSED 9.2 ACRE = 1.58 MILLION SF (TOTAL GROSS AREA LESS PARKING)

SITE "B" PROPOSED DENSITY

4.75 ACRES -- CR-1 ZONING PROPOSED
 80 UNITS PER ACRE x 4.75 ACRES = 380 RESIDENTIAL UNITS
 CROWN TOWER 1: 28-30 RESIDENTIAL FLOORS -- 291,600 SF (+/- 15%) = 265 UNITS
 + 4-5 FLOORS ABOVE GRADE PARKING
 + 4 FLOORS BELOW GRADE PARKING
 TOTAL PARKING = 158,800 SF = 488 CARS (+/- 15%)
 TOTAL HEIGHT NOT TO EXCEED 35 STOREYS

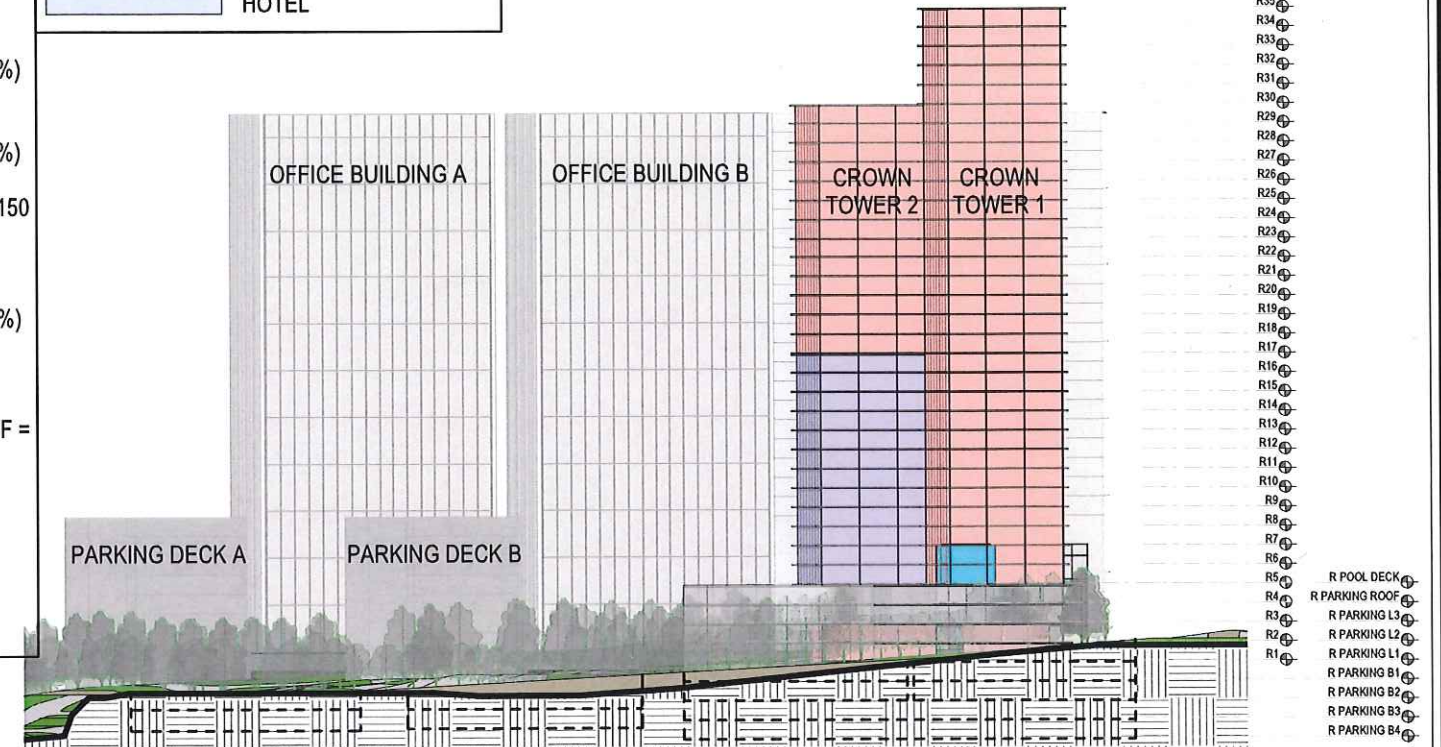
CROWN TOWER 2: 11-13 RESIDENTIAL FLOORS -- 124,800 SF (+/- 15%) = 115 UNITS
 + 10-12 HOTEL FLOORS -- 115,200 SF (+/- 15%) = 150 ROOMS
 + 4-5 FLOORS ABOVE GRADE PARKING
 + 4 FLOORS BELOW GRADE PARKING
 TOTAL PARKING = 158,800 SF = 488 CARS (+/- 15%)
 TOTAL HEIGHT NOT TO EXCEED 29 STOREYS

RETAIL BLDG 1: 3 RETAIL FLOORS -- 43,700 SF (+/- 15%)
 + 4 FLOORS BELOW GRADE PARKING -- 48,000 SF = 137 CARS (+/- 15%)

TOTAL SITE AREA: 206,908 SF
 TOTAL BUILDING FOOTPRINT: 52,967 SF
 TOTAL PAVED AREA: 71,553 SF
 TOTAL COVERAGE = 124,520 SF
 PERCENT COVERAGE = 124,520/206,908 = 60.2%

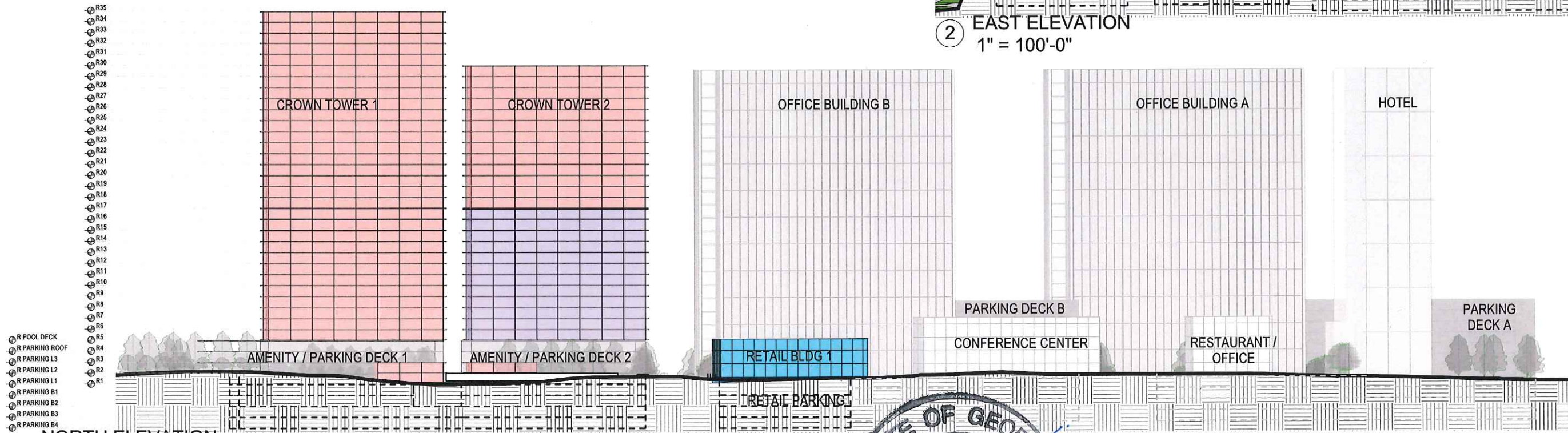
PROGRAM COLOR LEGEND

- OFFICE
- RETAIL
- RESIDENTIAL
- HOTEL



② EAST ELEVATION
 1" = 100'-0"

-401-



① NORTH ELEVATION
 1" = 100'-0"

- R POOL DECK
- R PARKING ROOF
- R PARKING L3
- R PARKING L2
- R PARKING L1
- R PARKING B1
- R PARKING B2
- R PARKING B3
- R PARKING B4

- R35
- R34
- R33
- R32
- R31
- R30
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- R4
- R3
- R2
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- R PARKING ROOF
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- R PARKING B1
- R PARKING B2
- R PARKING B3
- R PARKING B4

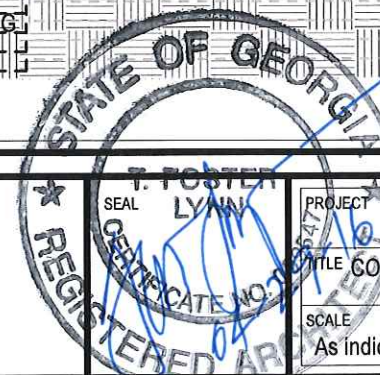
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CROWN
 HOLDINGS GROUP

CROWN HOLDINGS GROUP
 4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338

THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC.
 1230 PEACHTREE STREET NE SUITE 2700 ATLANTA, GEORGIA 30309
 404-888-6600

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PROJECT: DUNWOODY CROWN TOWERS
 RE-ZONING APPLICATION FOR SITE "B"
 TITLE: CONCEPTUAL PLAN - ELEVATIONS
 SCALE: As indicated
 DATE: 04/29/2016

244 PERIMETER CENTER
 PARKWAY, DUNWOODY GA

PROJECT NO.
 04513.000

DWG NO.

CP-002 #11



SITE "B" PARKING REQUIREMENTS:

RESIDENTIAL:
 380 RESIDENTIAL UNITS = 190 2BR + 95 1BR + 95 3BR
 TOTAL BEDROOMS = 760 = 760 PARKING SPACES
 + 1 VISITOR SPACE PER 8 UNITS = 380/8 = 48 SPACES
 TOTAL PARKING REQUIRED FOR RESIDENTIAL = 760+48 = 808 SPACES

HOTEL:
 150 ROOMS x 1.25 SPACES PER ROOM = 188 SPACES
 188 x .75 = 141
 (25% ALLOWED MOTOR VEHICLE PARKING REDUCTION FOR TRANSIT SERVED LOCATIONS WITHIN 1500 FEET OF COMMUTER RAIL APPLIES TO THIS PROJECT)
 REDUCED PARKING REQUIRED FOR HOTEL = 141 SPACES

TOTAL PARKING REQUIRED = 949 SPACES
TOTAL PARKING PROPOSED = 976 SPACES

RETAIL:
 4 SPACES PER 1,000 SF;
 43,700 SF / 1,000 = 43.7
 43.7 x 4 = 175 SPACES
 171 x .75 = 131 SPACES
 (25% ALLOWED MOTOR VEHICLE PARKING REDUCTION FOR TRANSIT SERVED LOCATIONS WITHIN 1500 FEET OF COMMUTER RAIL APPLIES TO THIS PROJECT)
 REDUCED PARKING REQUIREMENT FOR RETAIL = 131 SPACES





TOTAL PARKING REQUIRED = 131 SPACES
TOTAL PARKING PROPOSED = 137 SPACES

NOTE:
 IF SAP IS NOT APPROVED, 188 SPACES (HOTEL) AND 175 SPACES (RETAIL) WILL BE PROVIDED.

SITE "B" OFF-STREET LOADING REQUIREMENTS:

PER SECTION 27-212:
 - 1 LOADING SPACE HAS BEEN PROVIDED FOR CROWN TOWER 1 (265 UNITS)
 FOR CROWN TOWER 2 (115 RESIDENTIAL UNITS & 150 HOTEL ROOMS)
 - 1 LOADING SPACE HAS BEEN PROVIDED FOR RETAIL BUILDING (43,700 SF)

PROGRAM COLOR LEGEND

	OFFICE
	RETAIL
	RESIDENTIAL
	HOTEL

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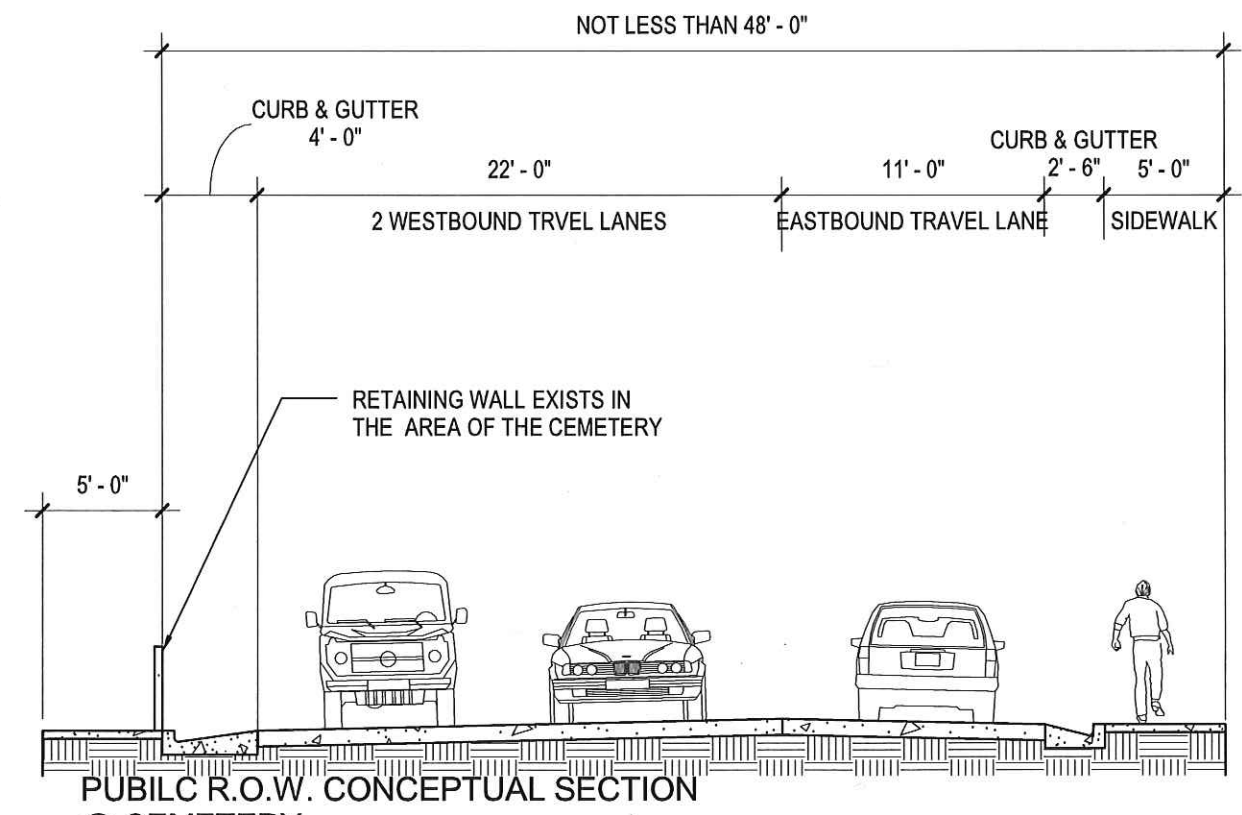
CROWNSM
 HOLDINGS GROUP
 CROWN HOLDINGS GROUP
 4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338

STATE OF GEORGIA
 T. EOSTER
 SEAL
 LYNN
 REGISTERED ARCHITECT

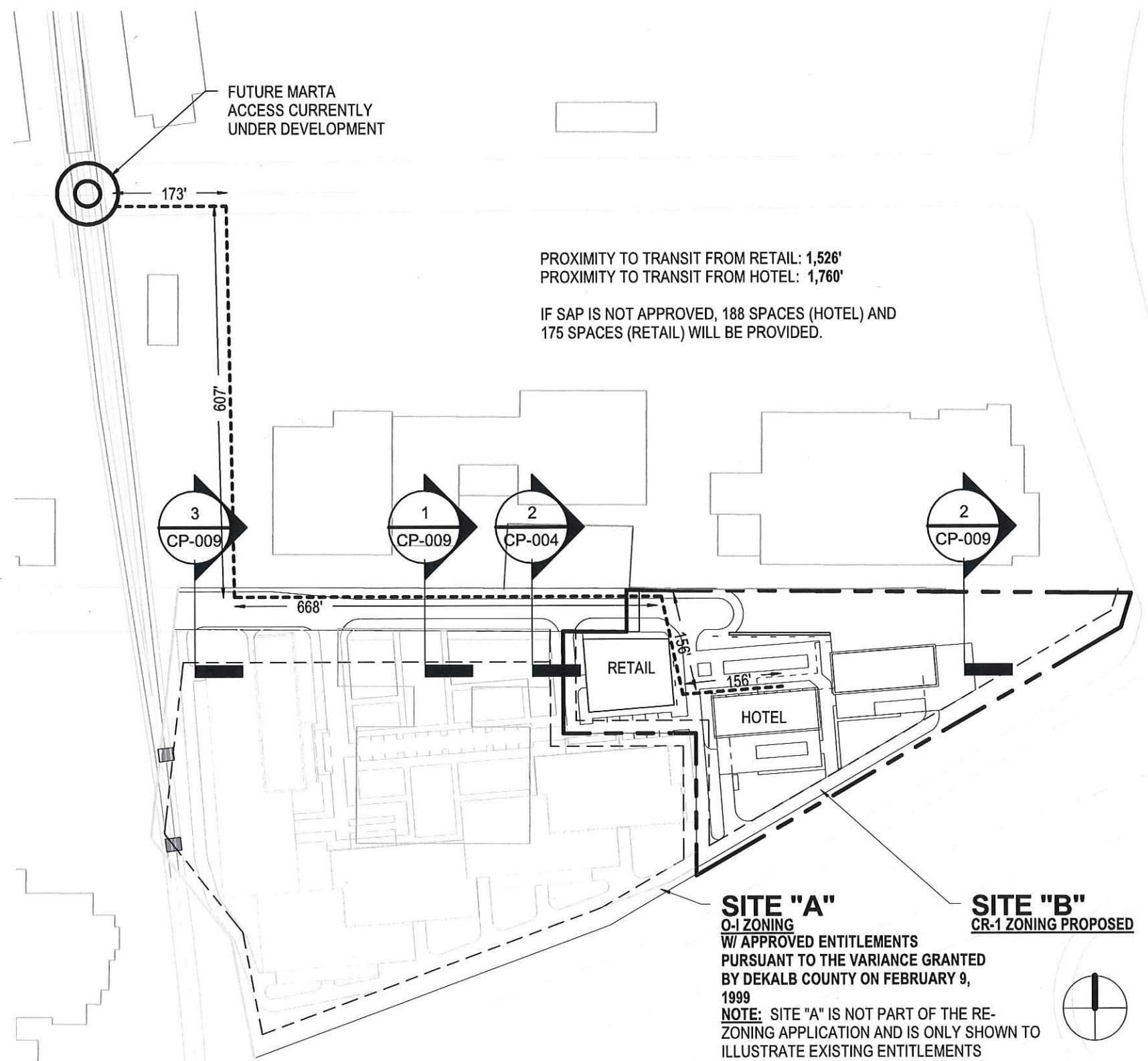
PROJECT DUNWOODY CROWN TOWERS RE-ZONING APPLICATION FOR SITE "B"	244 PERIMETER CENTER PARKWAY, DUNWOODY GA
TITLE CONCEPTUAL PLAN - MASSING	
SCALE 1/8" = 1'-0"	DATE 04/29/2016
	PROJECT NO. 04513.000

DWG NO.
CP-003

-403-



② PUBLIC R.O.W. CONCEPTUAL SECTION
@ CEMETERY
1/8" = 1'-0"



FUTURE MARTA
ACCESS CURRENTLY
UNDER DEVELOPMENT

PROXIMITY TO TRANSIT FROM RETAIL: 1,526'
PROXIMITY TO TRANSIT FROM HOTEL: 1,760'

IF SAP IS NOT APPROVED, 188 SPACES (HOTEL) AND
175 SPACES (RETAIL) WILL BE PROVIDED.

SITE "A"
O-I ZONING
W/ APPROVED ENTITLEMENTS
PURSUANT TO THE VARIANCE GRANTED
BY DEKALB COUNTY ON FEBRUARY 9,
1999
NOTE: SITE "A" IS NOT PART OF THE RE-
ZONING APPLICATION AND IS ONLY SHOWN TO
ILLUSTRATE EXISTING ENTITLEMENTS

SITE "B"
CR-1 ZONING PROPOSED

① TRANSIT PROXIMITY
1" = 200'-0"

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CROWN
HOLDINGS GROUP

THOMPSON, VENTULETT, STAINBACK & ASSOCIATES, INC.
1230 PEACHTREE STREET NE SUITE 2700 ATLANTA, GEORGIA 30309
404-888-6600

CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338



PROJECT: DUNWOODY CROWN TOWERS
REZONING APPLICATION FOR SITE "B"
TITLE STREET SECTION & TRANSIT PROXIMITY

244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

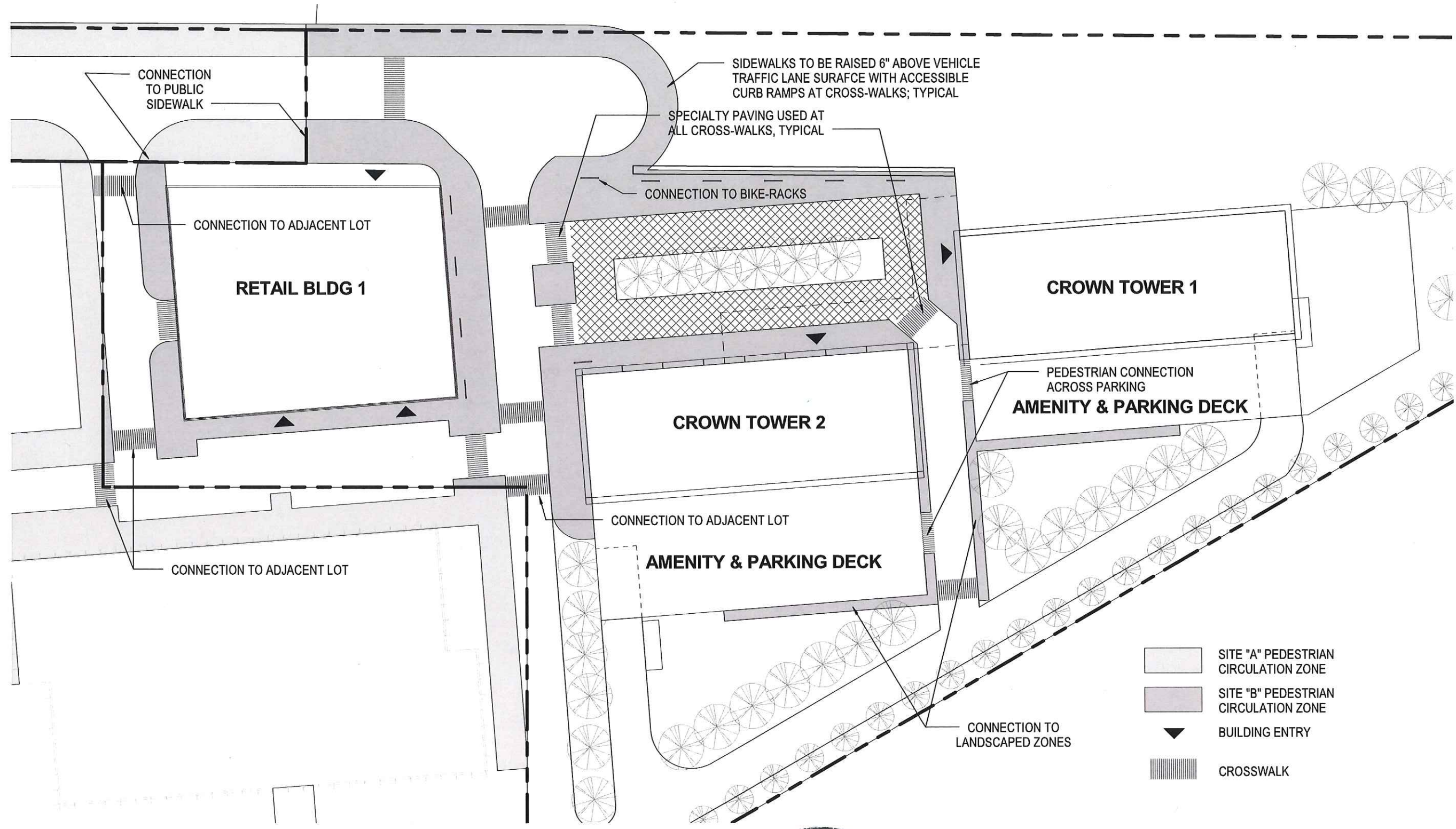
SCALE
As indicated

DATE
04/29/2016

PROJECT NO.
04513.000

DWG NO.

CP-004 #11.



-404-

1 Site Plan - Pedestrian Circulation
1" = 50'-0"

- SITE "A" PEDESTRIAN CIRCULATION ZONE
- SITE "B" PEDESTRIAN CIRCULATION ZONE
- BUILDING ENTRY
- CROSSWALK

tvsvdesign

CROWNSM
HOLDINGS GROUP

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404-888-6600

CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338



PROJECT **DUNWOODY CROWN TOWERS**
RE-ZONING APPLICATION FOR SITE "B"
TITLE **PEDESTRIAN CIRCULATION**
SCALE 1" = 50'-0"
DATE 04/29/2016

244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

PROJECT NO.
04513.000

DWG NO.

CP-005

-405-



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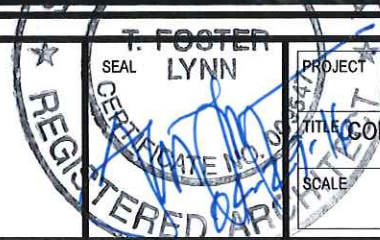
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PROJECT **DUNWOODY CROWN TOWERS**
RE-ZONING APPLICATION FOR SITE "B"

244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

TITLE **CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION**

SCALE
DATE **04/29/2016**

PROJECT NO.
04513.000

DWG NO.

CP-006 #11.

FOR RE-ZONING APPLICATION REVIEW ONLY

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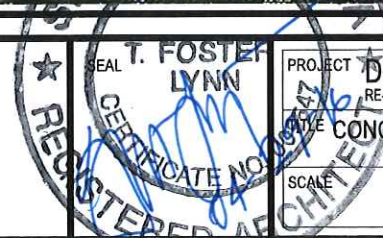
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PROJECT DUNWOODY CROWN TOWERS
RE-ZONING APPLICATION FOR SITE "B"

244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

DATE CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION

SCALE

DATE
04/29/2016

PROJECT NO.
04513.000

DWG NO.

CP-007



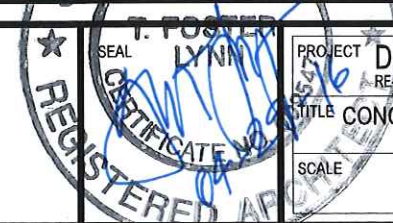
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CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338



PROJECT **DUNWOODY CROWN TOWERS**
REZONING APPLICATION FOR SITE "B"
TITLE **CONCEPTUAL PLAN - QUALITATIVE ILLUSTRATION**

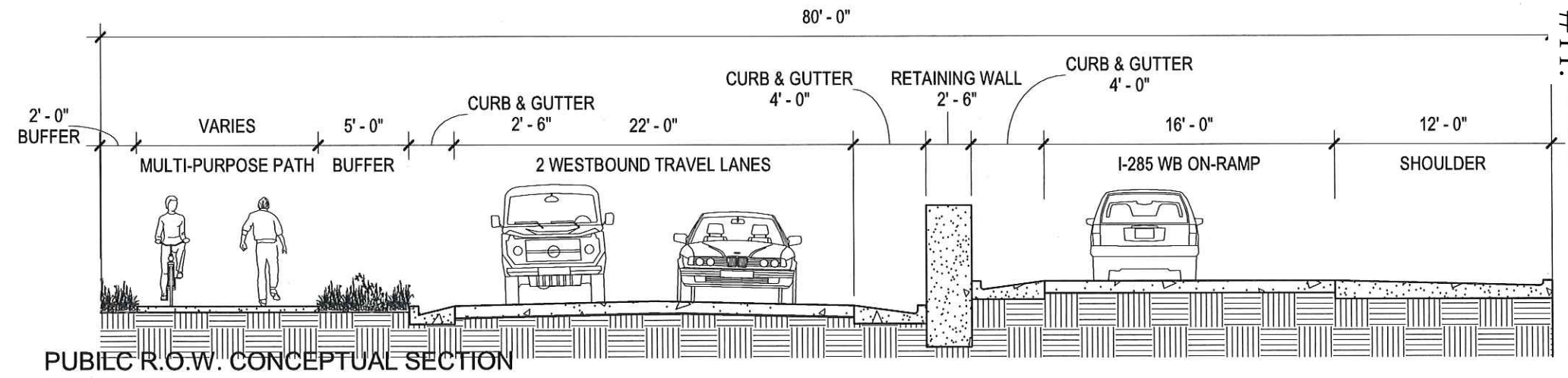
244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

SCALE
DATE
04/29/2016

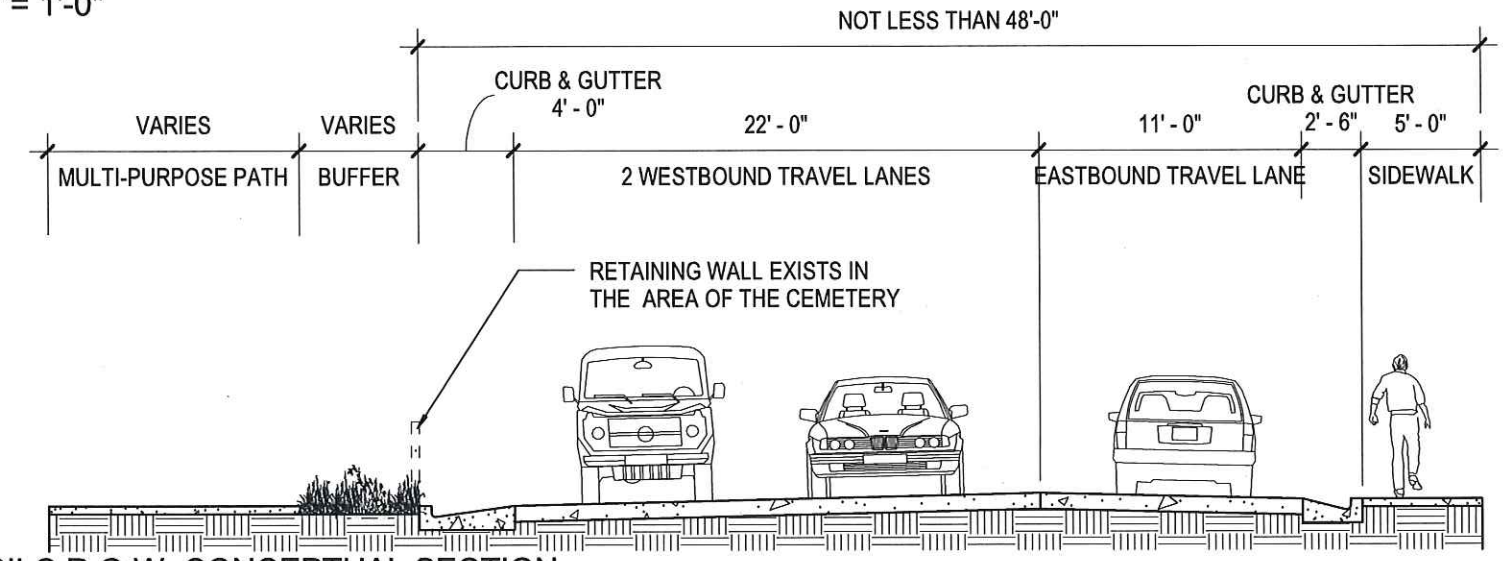
PROJECT NO.
04513.000

DWG NO.

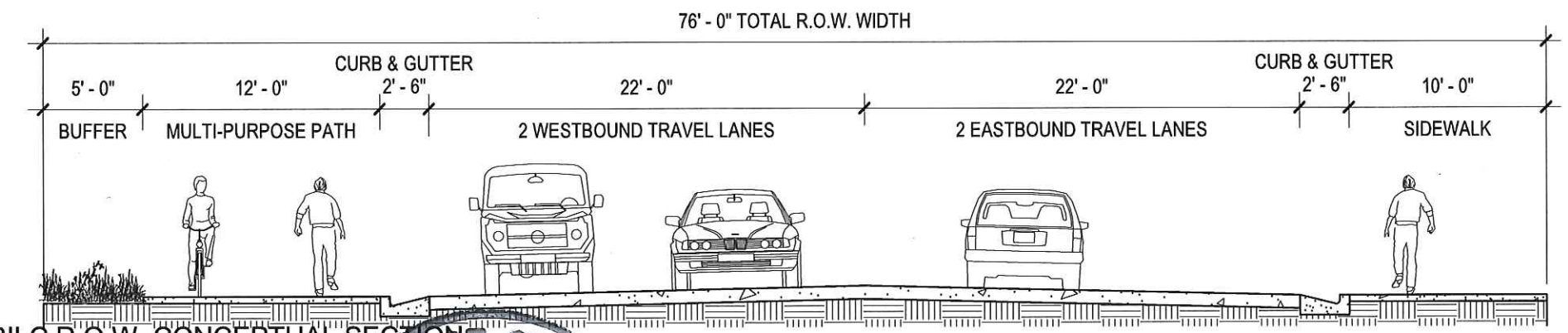
CP-002 #11.



3 PUBLIC R.O.W. CONCEPTUAL SECTION
@ EAST END
1/8" = 1'-0"



2 PUBLIC R.O.W. CONCEPTUAL SECTION
@ EXISTING BLDG
1/8" = 1'-0"



1 PUBLIC R.O.W. CONCEPTUAL SECTION
NEAR MARTA
1/8" = 1'-0"

-408-



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CROWN HOLDINGS GROUP
4828 ASHFORD DUNWOODY ROAD, ATLANTA GA 30338

PROJECT: DUNWOODY CROWN TOWERS
RE-ZONING APPLICATION FOR SITE 'B'

244 PERIMETER CENTER
PARKWAY, DUNWOODY GA

TITLE: CONCEPTUAL STREET SECTIONS @ PUBLIC R.O.W.

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

DATE: 04/29/2016

PROJECT NO.: 04513.000

DWG NO.

CP-009

Applicant's Proposed Zoning Conditions

SLUP16-041

Staff recommends **approval** of Special Land Use Permit application a.) to increase the height of the multi-unit residential building ("Crown Tower 1" on enclosed conceptual drawings), subject to the following conditions:

1. The multi-unit residential building shall be a maximum height of **35** stories.
2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Staff recommends **approval** of the Special Land Use Permit application to the height of the mixed used vertical building ("Crown Tower 2" on conceptual drawings), subject to the following conditions:

1. The mixed use vertical building shall be a maximum height of 29 stories
2. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

Staff recommends **approval** of the Special Land Use Permit application to allow a multi-unit residential use in the Commercial-Residential Mixed-Use (CR-1) District, subject to the following conditions:

1. All road improvements required by the companion rezoning request and/or development agreement shall be provided.

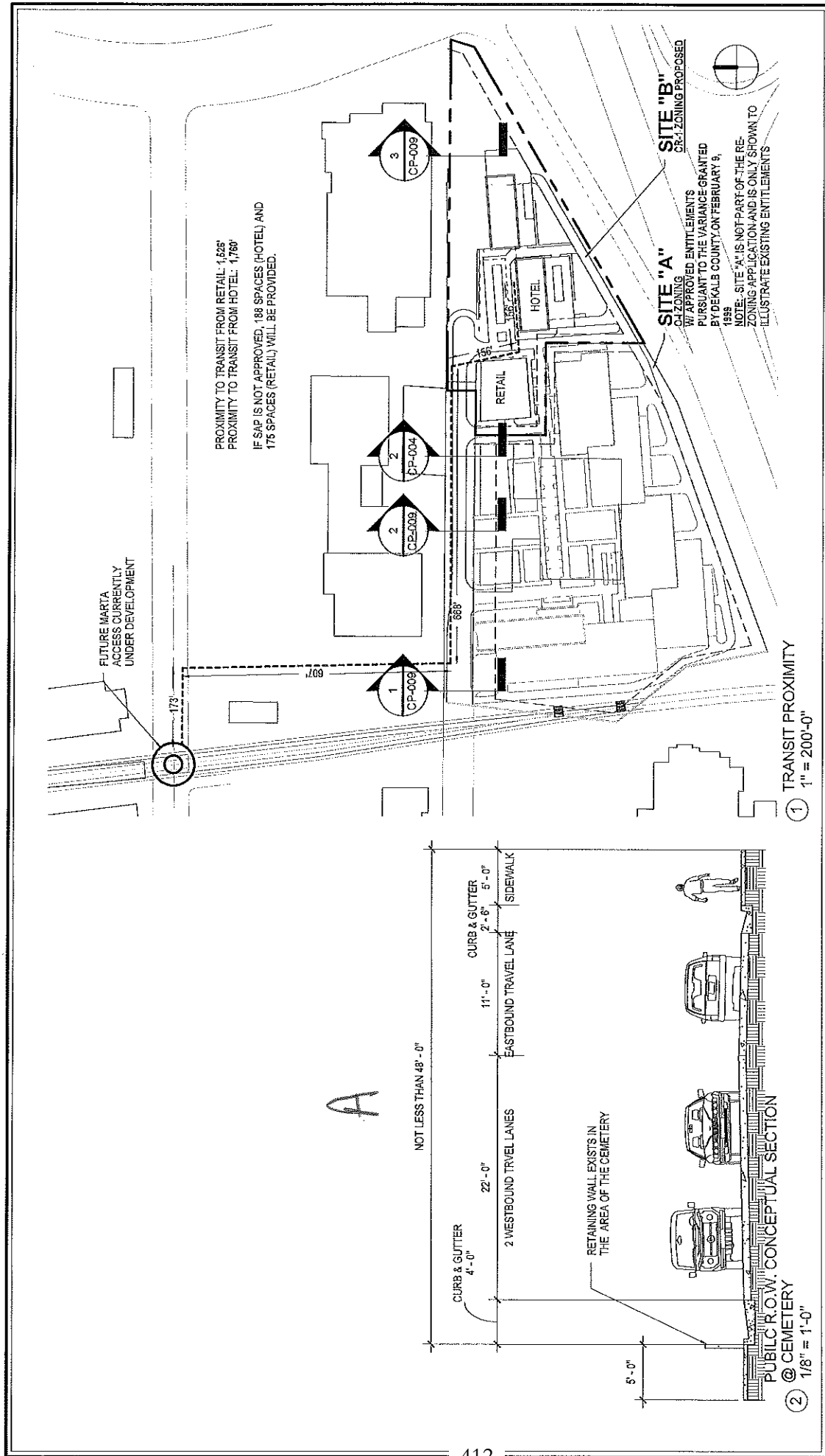
Applicant's Proposed Conditions

RZ16-041

1. This Ordinance shall take effect upon the property being subdivided in accordance with all of the ordinances, rules, and regulations of the City of Dunwoody in effect at the time of the subdivision application, but in any case, not later than May 9, 2021. If the Subdivision is not accomplished by May 9, 2021, this Ordinance shall be null and void. Nothing in this Ordinance shall be construed to require, compel, or obligate the property owner to subdivide the property. Any subdivision of the Property will be at the specific written election of the property owner. (this verbiage to be included in the body of the ordinance, rather than a condition).
2. Development of the site shall be in substantial compliance with the above Exhibits.
3. The recordation of the final plat in order to complete the subdivision shall take place within 120 days of the completion of site development improvements, unless an extension for unforeseen circumstances is approved by the Community Development Director.
4. Site is limited to a maximum of 380 residential units and 150 rooms for a hotel. Other uses and structures permitted as of right in the CR-1 district are also permitted.
5. Access to the Spruill cemetery shall be maintained from Gold Kist Drive. The site shall not use the existing curb cut at Ashford Dunwoody Road or the attached driveway on the adjacent property for vehicular access.
6. Entitlements for the site under the February 9, 1999 variance decision shall be maintained on Site A.
7. Covenants shall restrict non-owner occupied units to a maximum of 50% of the units for the first 5 years, which shall increase to 75% after the first 5 years. The 5 years shall commence upon issuance of a Certificate of Occupancy for the final residential unit. A unit shall not be considered "owner occupied" if it includes any partial owner who pays another party (except the mortgagor) for the right to live there.
8. The site is considered one development, and as such, plaza areas and open spaces shall be provided on Sites A and B. On Site B, the Applicant shall provide a minimum of 0.25 acres of active greenspace and open space.
9. While the Existing Building on Site A remains in place, access to Site A and Site B shall be by an interim roadway as shown in Exhibit "A". If the Westside Connector is programmed for construction by May 9, 2021, and the Existing Building remains in its current location, the roadway shall be improved and dedicated as provided in Exhibit "B". If for any reason the Existing Building must be modified or removed to

accommodate the Westside Connector, then the owners shall be paid for the removal or modification of said building in order to provide additional right of way.

10. If the Westside Connector is programmed for construction by May 9, 2021, and the Existing Building on Site A has been removed, the existing roadway shall be widened and dedicated as provided in Exhibit "C".
11. The Applicant shall reserve not less than 82 feet of right of way along the property's northern property line on Site B, as shown on the Site Plan, for future roadway improvements, such reserved property to be dedicated when the Westside Connector is programmed for construction. The owner shall not be required to construct transportation improvements on said reserved/dedicated property. If the Westside Connector has not been programmed for construction by May 9, 2021, such property explicitly reserved for future roadway improvements shall no longer be reserved and may be used by the owner for any lawful purpose.
12. The Applicant shall reserve certain property along the property's northeastern property line on Site B (shown with cross-hatching on the Site Plan) for future roadway improvements, such property to be dedicated when the Westside Connector is programmed for construction. The owner shall not be required to construct transportation improvements on said reserved/dedicated property. If the Westside Connector has not been programmed for construction by May 9, 2021, such property explicitly reserved for future roadway improvements shall no longer be reserved and may be used by the owner for any lawful purpose.
13. The Applicant shall pay \$1,000 to the Perimeter Center Improvement District or the City of Dunwoody for every residential unit on Site B. Receipt of such fee is required to be provided to the City prior to issuance of a final certificate of occupancy. Such money shall be used for parks and recreation improvements in the Dunwoody Perimeter Center area.



DWG NO. CP-004

PROJECT: DUNWOODY CROWN TOWERS RECORD APPLICATION FOR SITE "B"		DATE: 04/28/2016	
TITLE: STREET SECTION & TRANSIT PROXIMITY		PROJECT NO.: 04513.000	
SCALE: As Indicated	DATE: 04/28/2016		

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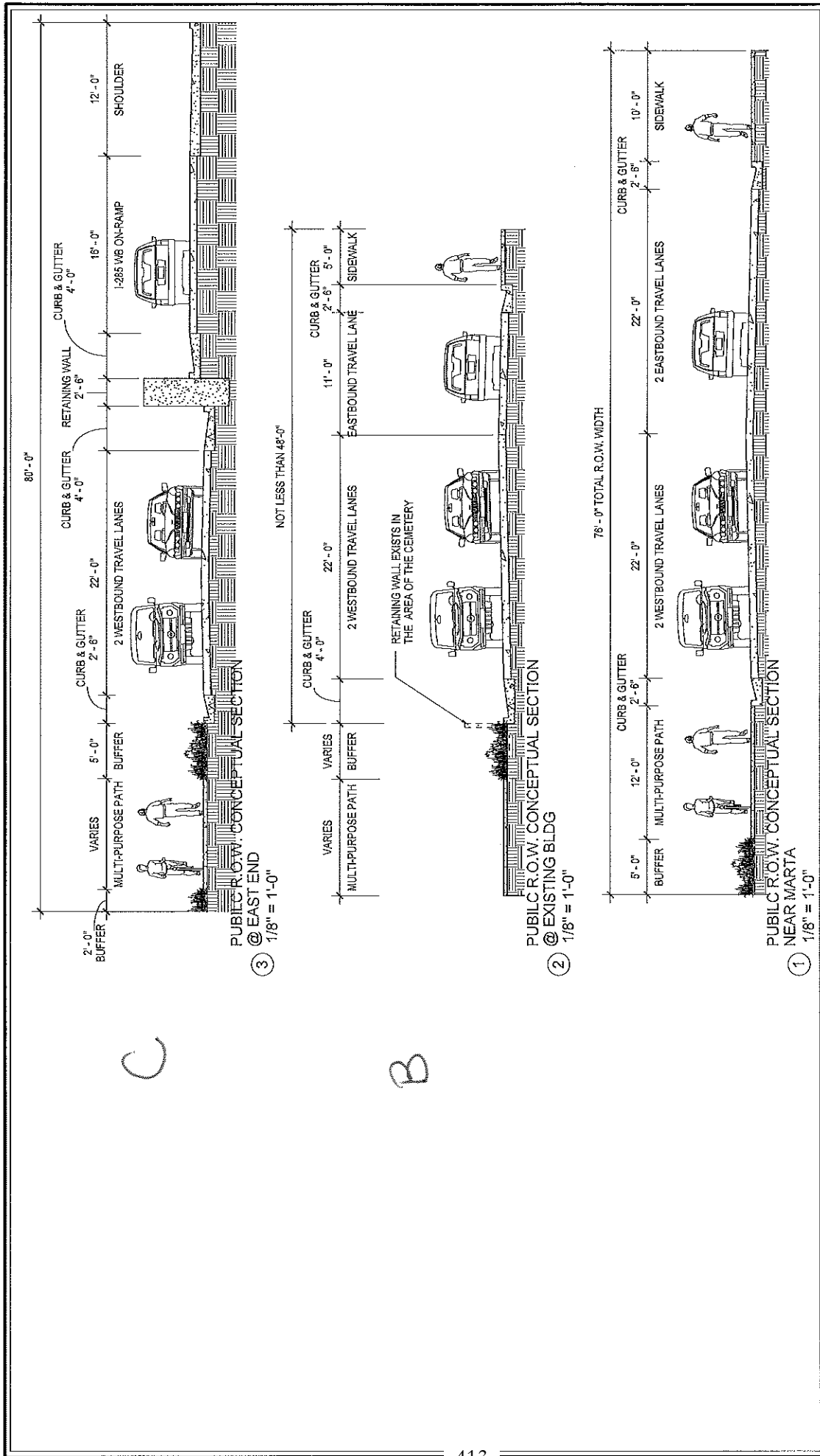
ENGINEERS ARCHITECTS

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DWG NO. CP-009

PROJECT: DUNWOODY CROWN TOWERS
 REZONING APPLICATION FOR SITE "B"
 TITLE: CONCEPTUAL STREET SECTIONS @ PUBLIC R.O.W.
 SCALE: 1/8" = 1'-0"
 DATE: 04/28/2016
 PROJECT NO.: 04513.000

SEAL

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