

MEMORANDUM

To: Planning Commission

From: Kevin Turner, AICP

Date: July 5, 2017

Subject: MA 17-01:
RB 84 PC, LLC, owner of 84, 130, and 140 Perimeter Center East, tax parcel number 18-347-01-013,021, and 028, by Laurel David, attorney for the owner, seeks to amend the prior conditions of zoning.



BACKGROUND

The subject site consists of three lots of record, owned in common totaling 2.87 acres. The property consists of a corner lot, which fronts the Ashford-Dunwoody Road and Perimeter Center East, and two vacant properties to the east, both fronting Perimeter Center East. The site currently has a vacant building formerly occupied as a bank. According to the official City of Dunwoody Zoning Map, the lots are zoned C-1, and are within the Perimeter Center Overlay. The area around the site consists of a balance of retail, shopping, banks,

restaurants and office uses. The character of the area generally consists of one to two-story buildings.

The properties were rezoned from O-I to C-1 under Z-08-14825 and received a special land use permit for the height of the hotel under SLUP-08-14791. The applicant is seeking to amend condition 1 (site plan) and condition 2, requiring a 70,000 square foot fitness center, of the rezoning.

Staff has received a shared parking analysis, dated June 29, 2017. Upon review, the Community Development Director has determined that the purposed 420 parking spaces is sufficient per Section 27-204(e).

SURROUNDING LAND ANALYSIS

Direction	Zoning	Future Land Use	Current Land Use
N	C-1 & OCR	Perimeter Center	Commercial
S	O-I	Perimeter Center	Office
E	O-I	Perimeter Center	Apartment
W	C-1	Perimeter Center	Commercial

ANALYSIS

Zoning Ordinance Analysis

Dunwoody's nonresidential and mixed-use districts are generally intended to promote consistency with the comprehensive plan and provide opportunities for shopping, employment, entertainment and living. The primary purposes of the C-1 district are as follows:

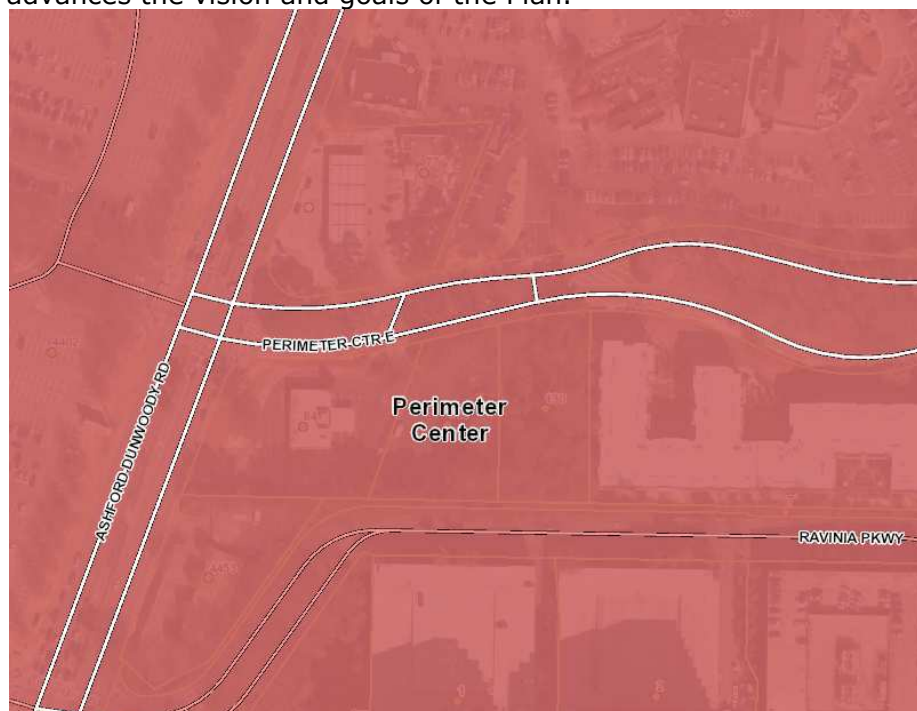
- a. To provide convenient local retail shopping and service areas within the city;
- b. To provide for the development of new local commercial districts; and
- c. To accommodate uses designed to serve the convenience shopping and service needs of groups of neighborhoods.



Dunwoody 2015-2035 Comprehensive Plan Analysis

The Dunwoody Comprehensive 2015-2035 Plan, inclusive of the Future Land Use Map (see below), serves as the City's guide for making rezoning decisions. The Plan indicates that the subject property be a mix of uses in the Perimeter Center District.

Overall, the requested use aligns with the Perimeter Center Overlay and Future Land Use Map, which advances the vision and goals of the Plan.



REVIEW AND APPROVAL CRITERIA

In accordance with Georgia and local law, the following review and approval criteria shall be used in reviewing the respective amendment applications:

Section 27-335. Review and approval criteria.

- b. *Zoning Map Amendments.* The following review and approval criteria must be used in reviewing and taking action on all zoning map amendments:
 1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
The zoning proposal is in conformity with the intent of the Comprehensive Plan and Perimeter Center Overlay.
 2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
The proposed uses are suitable, in light of the existing mix of retail, restaurant, and office uses in the area.
 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
No change in zoning.
 4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
The rezoning proposal aligns with the mix of office, retail and restaurant uses in the area. The zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
 5. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
The proposed use of the property is supported by the goals of the Comprehensive Plan, and therein lies support for approval.
 6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;
The zoning proposal will not affect historic buildings, sites, districts or archaeological facilities.
 7. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.



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

Staff Recommendation

Staff recommends **APPROVAL** of MA 17-01 with the following conditions:

1. The site shall have a maximum restaurant space of 25,500 square feet.
2. Applicant will dedicate easement or right of way sufficient to accommodate requirements of a Secondary Street, as determined by the Public Works Director, on the eastern portion of the development.

Attachments

- Proposed site plan, stamped received June 14, 2017
- Prior zoning approval and site plan
- Parking Evaluation dated June 29, 2017
- Zoning Map
- Staff Photos
- Perimeter Center Overlay
- Dunwoody Comprehensive Plan Excerpt – Perimeter Center
- Application Packet

**FIRST AMENDMENT
APPLICATION FOR REZONING MODIFICATION
CITY OF DUNWOODY, GEORGIA**

IN RE:)
)
Branch Acquisition Company, LLC,)
)
Applicant,)
)
For the property located at)
)
84, 130, and 140 Perimeter Center East)
Dunwoody, Georgia 30326)

COMES NOW the Applicant and respectfully requests that the above-referenced Application for Rezoning be amended as follows:


By incorporating to the Application the enclosed Site Plan, dated June 13, 2017, as if originally filed with the above-referenced Application.

WHEREFORE, the Applicant respectfully requests that the City of Dunwoody accept this First Amendment; that the Application be amended in accordance with this First Amendment; and that the Applicant have such other and further relief as is just and proper under the circumstances.

Accordingly, the Applicant respectfully requests that the City Council of the City of Dunwoody approve the Rezoning Modification as requested.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC



Laurel David
Jordan Edwards
Attorneys for the Applicant

3500 Lenox Road NE, Suite 760
Atlanta, Georgia 30326
(404) 965-3680



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

LEGEND			
	CURB AND GUTTER (C&G)		CATCH BASIN (DWCB)
	FENCE		CATCH BASIN (SWCB)
	HANDRAIL		DROP INLET (DI)
	STORM DRAIN LINE		JUNCTION BOX (JB)
	SANITARY SEWER		HEAD WALL (HW)
	WATER LINE		CURB INLET (CI)
	GAS LINE		FLARED END SECTION (FES)
	UNDERGROUND POWER LINE		OUTLET CONTROL STRUCTURE
	OVERHEAD POWER LINE		YARD DRAIN INLET
	UNDERGROUND COMMUNICATION		SS MANHOLE (MH)
	TOPOGRAPHIC CONTOUR 100		CLEAN OUT (CO)
	PROPERTY LINE		IRRIGATION CONTROL VALVE (ICV)
	FIRE HYDRANT (FH)		WATER VALVE (WV)
	WATER METER (WM)		FIRE DEPT. CONNECTION (FDC)
	WATER VALVE MARKER		TRANSFORMER BOX (TX)
	AIR CONDITIONER (AC)		ELECTRIC METER (EM)
	ELECTRIC UTILITY		GREASE TRAP (GT)
	LIGHT POLE (LP)		POWER POLE WITH LIGHT
	POWER POLE (PP)		UTILITY MANHOLE (UM)
	WITNESS POST		GAS METER (GM)
	GAS VALVE (GV)		TELEPHONE PEDESTAL
	COMMUNICATION BOX		TRAFFIC SIGNAL
	BOLLARD (BO)		MAIL BOX
	SIGN		CROSSWALK SIGNAL X 1000.00
	SPOT ELEVATION		CONCRETE AREA
	OVERHANG AREA		RIP-RAP AREA
	BRICK AREA		TREELINE

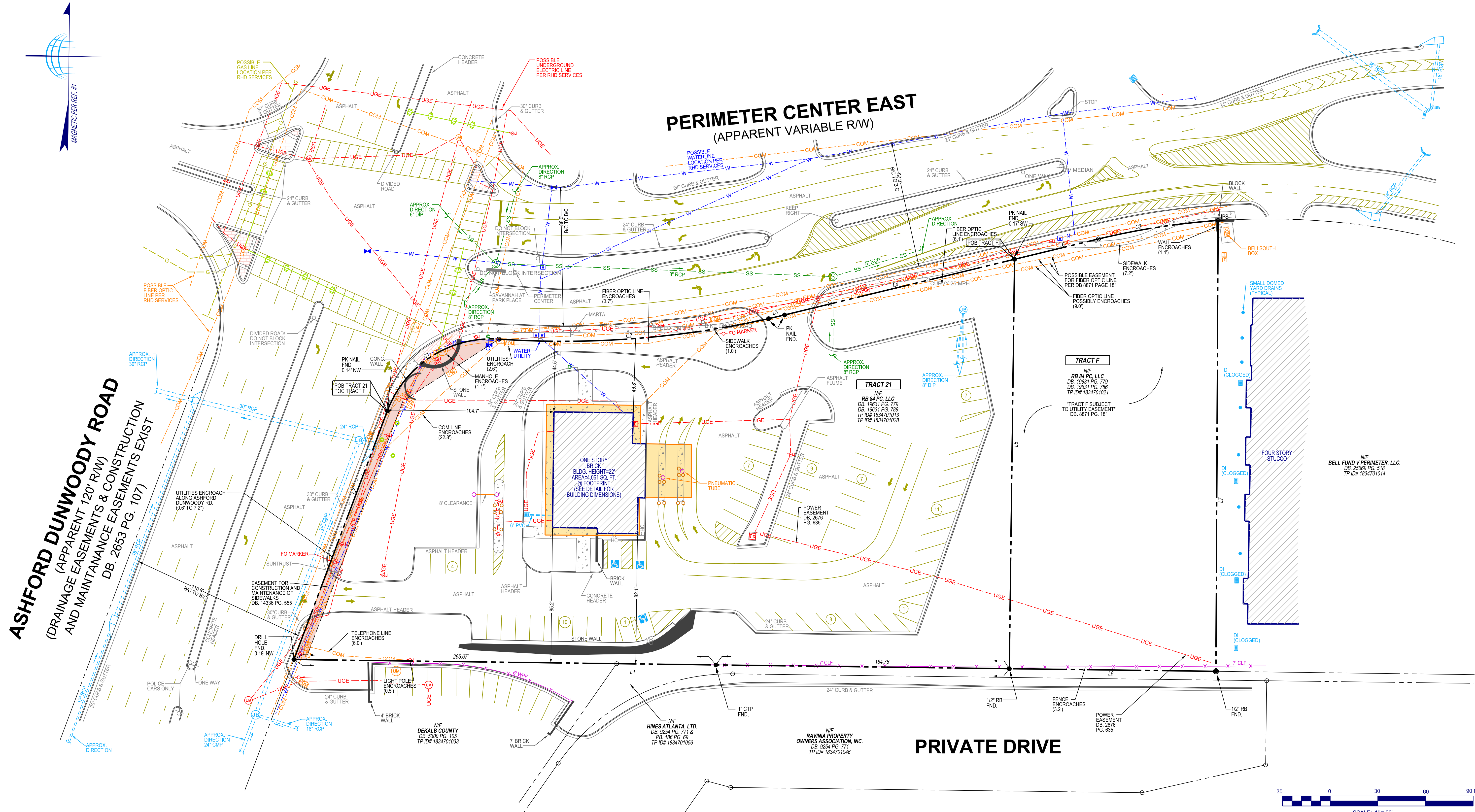
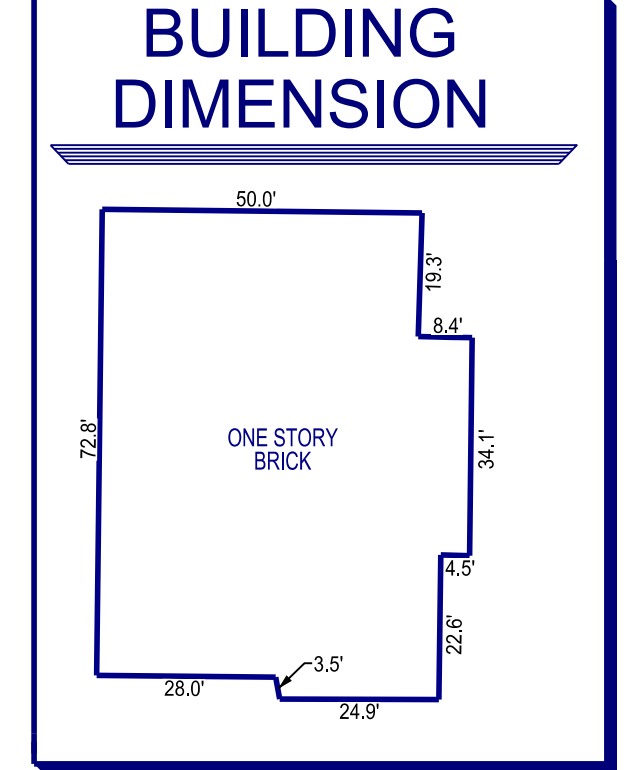
ABBREVIATIONS			
A	ARC LENGTH	IPS	IRON PIN SET (CAPPED)
AC	ACRE	N/F	NOW OR FORMERLY
AE	ACCESS EASEMENT	OTP	OPEN TOP PIPE
BSL	BUILDING SETBACK LINE	PL	PLAT BOOK
BW	BARWIRE	PG	PAGE
CH	CHORD LENGTH	POB	POINT OF BEGINNING
CLF	CHAIN LINK FENCE	POC	POINT OF COMMENCEMENT
CMF	CONCRETE MONUMENT FOUND	R	RADIUS LENGTH
CONC	CORRUGATED METAL PIPE	R/W	RIGHT OF WAY
CTP	CRIMP TOP PIPE	R/W MON	RIGHT OF WAY MONUMENT
DB	DEED BOOK	RB	REBAR
DIP	DUCTILE IRON PIPE	RCP	REINFORCED CONCRETE PIPE
FDC	FIRE DEPARTMENT CONNECTION	SDE	STORM DRAINAGE EASEMENT
FND	FUND	SQ. FT.	SQUARE FEET
HOPE	HIGH DENSITY POLYETHYLENE PIPE	SSE	SANITARY SEWER EASEMENT
IPF	IRON PIN FOUND	WPF	WOOD PRIVACY FENCE

TREE LEGEND (ABBREVIATIONS)			
	DECIDUOUS (TREE)	BIR	BIRCH
	CONIFEROUS (TREE)	BCH	BEECH
		CM	CRANE MYRTLE
		CHY	CHERRY
		CYP	CYPRESS
		FIR	FIR
		GUM	GUM
		HIC	HICKORY
		HL	HOLLY
		HW	HARDWOOD
		MAG	MAGNOLIA
		MAP	MAPLE
		OAK	OAK
		ORN	ORNAMENTAL
		PEAR	PEAR
		POP	POPLAR
		SYC	SYCAMORE

AREA TABLE	
TRACT 21	89,627 SQ.FT. OR 2.0575 AC.
TRACT F	35,192 SQ.FT. OR 0.8079 AC.
TOTAL AREA	124,819 SQ.FT. OR 2.8654 AC.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°16'00" W	450.42
L2	N 00°32'27" E	167.24
L3	N 76°53'23" E	10.35
L4	N 76°23'23" E	148.94
L5	S 00°43'47" W	257.78
L6	N 76°23'23" E	54.41
L7	S 00°16'20" W	283.88
L8	N 89°16'00" W	130.08

CURVE TABLE				
SEGMENT	ARC	RADIUS	BEARING	CHORD
C1	89.42	70.00	N 57°14'07" E	83.46
C2	170.90	595.95	N 85°39'58" E	170.31
C3	76.24	454.47	N 81°11'53" E	76.15



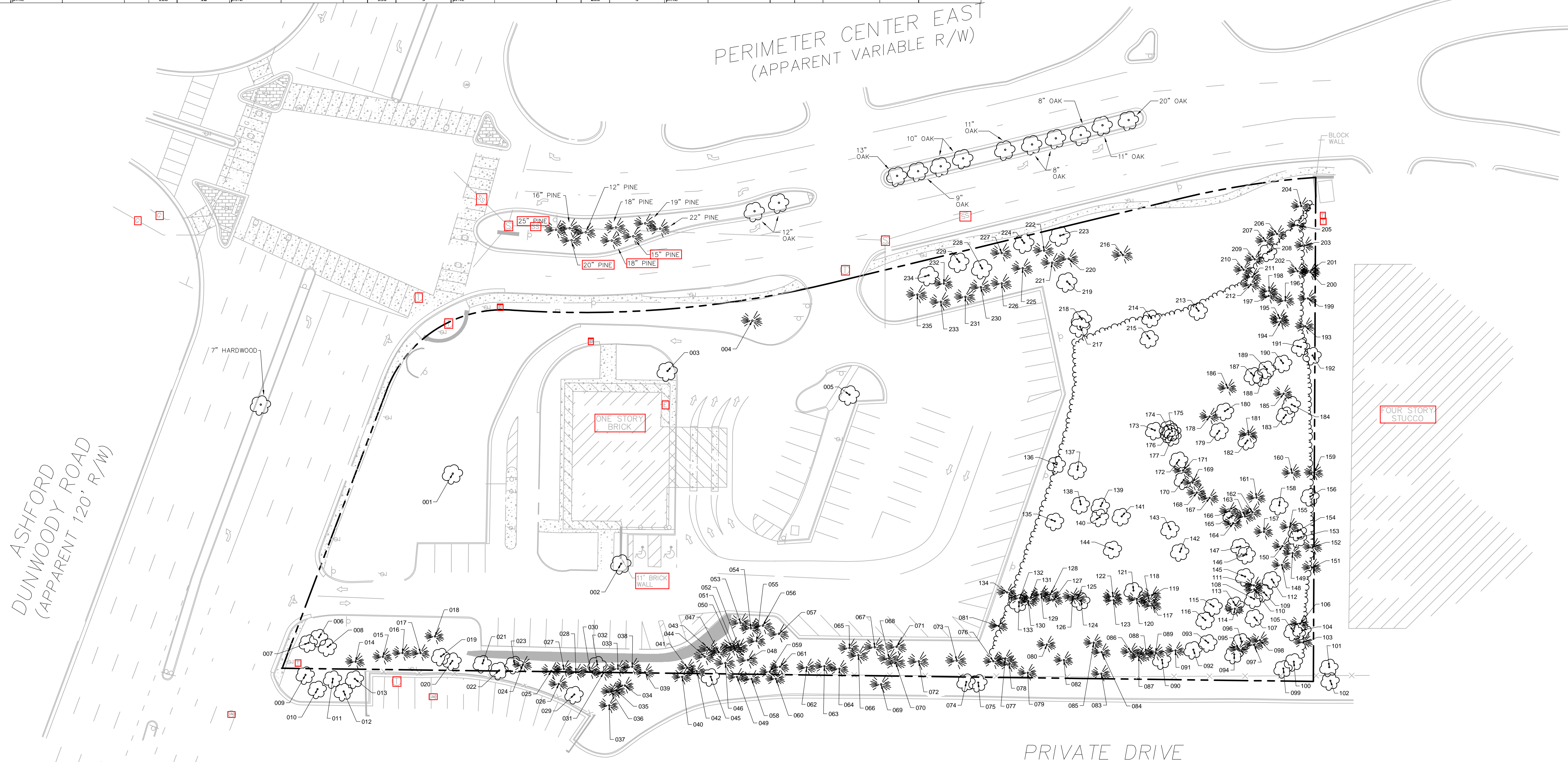
Project No.	2017-058
Survey Crew	DB
Drawn By	NEC
Approved By	PBC
Date	08/01/17
Scale	1"=30'
Revision	No
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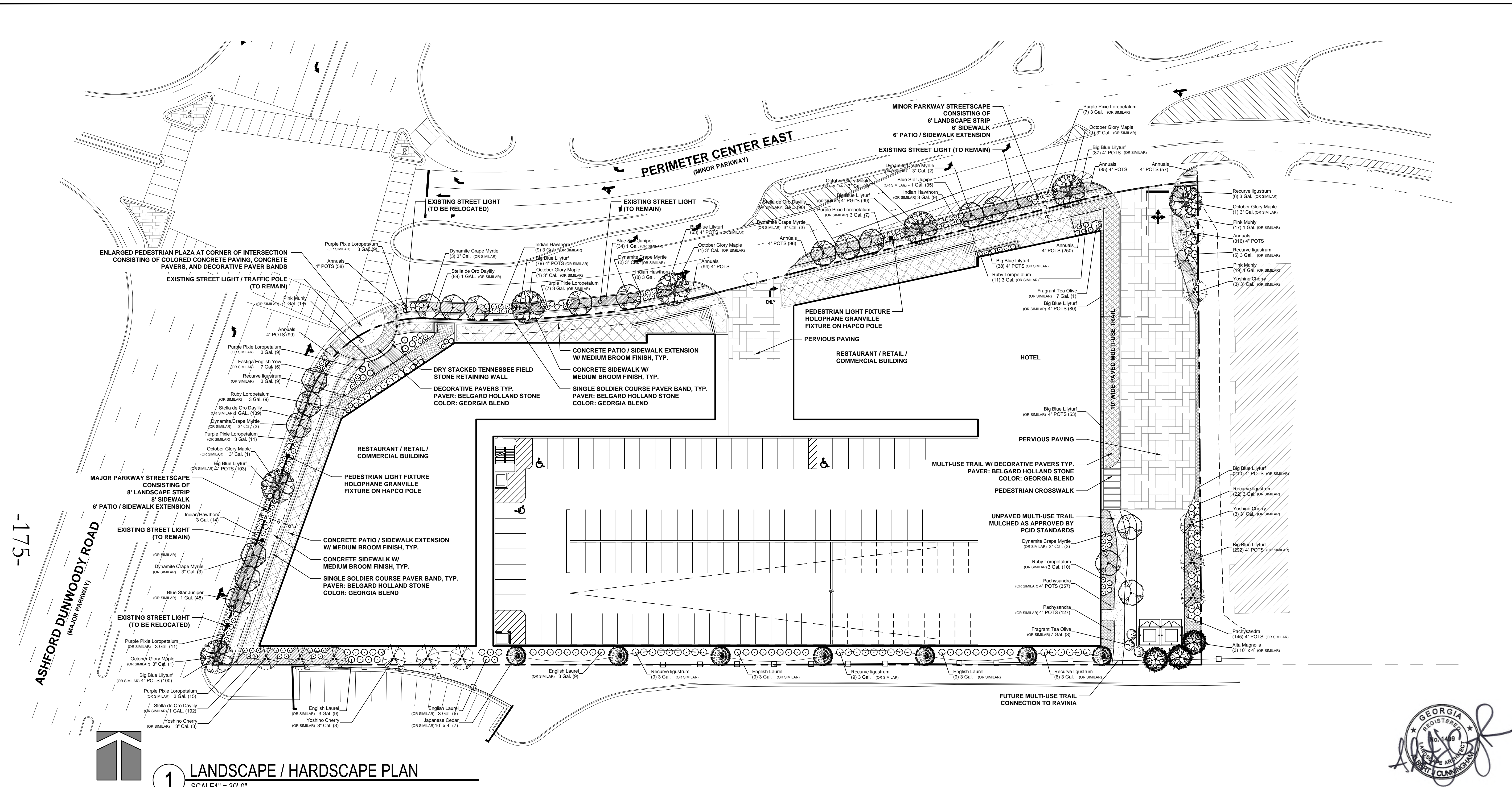
ALTANSPS LAND TITLE SURVEY
FOR
BRANCH ACQUISITIONS, LLC & FIRST
AMERICAN TITLE INSURANCE COMPANY
LOCATED IN
LAND LOT 347, 18TH DISTRICT
DEKALB COUNTY, GEORGIA

SHEET NO.	2/2
DRAWING#	TM 17 058

TerraMark
Professional Land Surveying
TerraMark Land Surveying, Inc.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone No. (770) 421-1927
Fax No. (770) 421-0552
www.TerraMark.com
C. O. A#LSF00810

TREE No.	SIZE IN INCHES	SPECIES	NOTES	TREE No.	SIZE IN INCHES	SPECIES	NOTES	TREE No.	SIZE IN INCHES	SPECIES	NOTES	TREE No.	SIZE IN INCHES	SPECIES	NOTES	TREE No.	SIZE IN INCHES	SPECIES	NOTES
001	39	pin oak	SPECIMEN	051	8	pine		101	10	pine	Outside PL	151	11	pine		201	14	pine	
002	10	crape		052	9	pine		102	10	maple	Outside PL	152	11	pine		202	7	pine	
003	6	4 trunk holly		053	8	pine		103	17	pine		153	9	sweetgum		203	10	pine	
004	17	pine		054	9	pine	missing limbs	104	9	sweetgum		154	10	birch		204	24	pine	
005	30	maple	SPECIMEN	055	7	pine		105	9	sweetgum	diseased	155	18	pine		205	9	pine	
006	16	pear		056	10	pine		106	19	pine		156	6	pine		206	10	pine	
007	5	oak		057	13	pine		107	7	magnolia		157	20	pine		207	18	pine	diseased
008	6	oak		058	12	pine		108	8	pine		158	6	magnolia		208	20	pine	
009	10	maple	Outside PL	059	10	pine		109	7	sweetgum		159	18	pine		209	17	pine	
010	15	maple	Outside PL	060	11	pine		110	14	pine		160	15	pine		210	17	pine	
011	10	maple	Outside PL	061	11	pine		111	17	pine		161	13	pine	dead	211	9	pine	
012	13	maple	Outside PL	062	13	pine		112	7	beech		162	16	pine		212	18	pine	
013	11	maple	Outside PL	063	16	pine		113	12	pine	dead	163	13	pine		213	21	pear	
014	16	pine		064	14	pine		114	17	pine		164	18	pine		214	7	sourwood	
015	8	pine		065	10	pine		115	12	pine		165	8	sweetgum		215	6	sourwood	
016	18	pine		066	11	pine		116	6	pine		166	9	pine		216	26	pine	diseased
017	13	pine		067	7	pine		117	17	pine		167	12	pine		217	26	beech	
018	14	pine		068	10	pine		118	13	pine		168	16	pine		218	22	beech	
019	6	dbl trunk photinia		069	11	pine		119	10	pine	dead	169	20	pine		219	20	tulip poplar	
020	8	photinia		070	14	pine		120	14	pine		170	9	beech	dead	220	21	pine	
021	10	oak		071	14	pine		121	8	pine		171	9	oak		221	19	pine	
022	8	photinia		072	12	pine		122	21	pine		172	8	pine		222	5	pine	
023	6	photinia		073	12	pine		123	13	pine		173	8	pine		223	23	pine	
024	16	pine		074	13	hickory	Outside PL	124	8	cherry	dead	174	6	pine		224	20	tulip poplar	
025	14	pine		075	10	hickory	Outside PL	125	12	pine		175	22	sweetgum		225	6	pine	
026	10	pine	Outside PL	076	14	pine		126	6	pine		176	24	sweetgum		226	20	pine	
027	13	pine		077	14	pine		127	17	pine		177	6	sweetgum		227	8	pine	
028	9	pine		078	13	pine	dead	128	8	pine		178	23	pine		228	16	pine	
029	8	pine	Outside PL	079	13	twin pine	leaning	129	13	pine		179	8	sourwood		229	20	tulip poplar	
030	15	pine		080	14	pine	missing limbs	130	10	pine		180	8	maple		230	7	pine	
031	8	pine		081	13	pine		131	19	pine		181	28	pine	SPECIMEN	231	11	pine	
032	5	pear		082	13	pine		132	23	pine		182	19	oak		232	19	pine	
033	16	pine		083	18	pine		133	10	cherry	dead	183	16	sweetgum		233	9	pine	
034	10	pine	Outside PL	084	10	pine		134	14	pine		184	6	sweetgum		234	20	tulip poplar	
035	7	pine	Outside PL	085	13	pine		135	24	pine		185	6	pine		235	19	tulip poplar	
036	15	pine	Outside PL	086	14	pine		136	31	tulip poplar	SPECIMEN	186	13	pine					
037	12	pine	Outside PL+ leaning	087	9	pine	ivy all over	137	5	birch		187	25	pine					
038	8	pine		088	13	pine		138	6	birch		188	5	pine					
039	21	pine		089	14	pine		139	5	pine		189	16	norway maple					
040	11	pine	Outside PL	090	16	oak		140	6	hickory		190	8	twin birch					
041	13	pine		091	10	pine		141	8	pine		191	7	dogwood					
042	12	pine	half dead	092	15	sycamore		142	10	tulip poplar		192	13	sweetgum					
043	6	pine		093	4	tulip poplar		143	8	tulip poplar		193	6	pine					
044	12	pine		094	5	tulip poplar		144	7	sweetgum		194	11	pine					
045	6	cherry	Outside PL	095	19	pine		145	6	catalpa		195	16	pine					
046	12	pine		096	5	magnolia		146	9	beech		196	11	pine					
047	13	pine		097	13	pine		147	10	sweetgum		197	7	pine					
048	11	pine		098	14	pine		148	18	pine		198	15	pine					
049	10	pine	Outside PL	099	8	catalpa		149	9	pine		199	16	pine					
050	7	pine		100	12	pine		150	9	pine		200	9	pine					

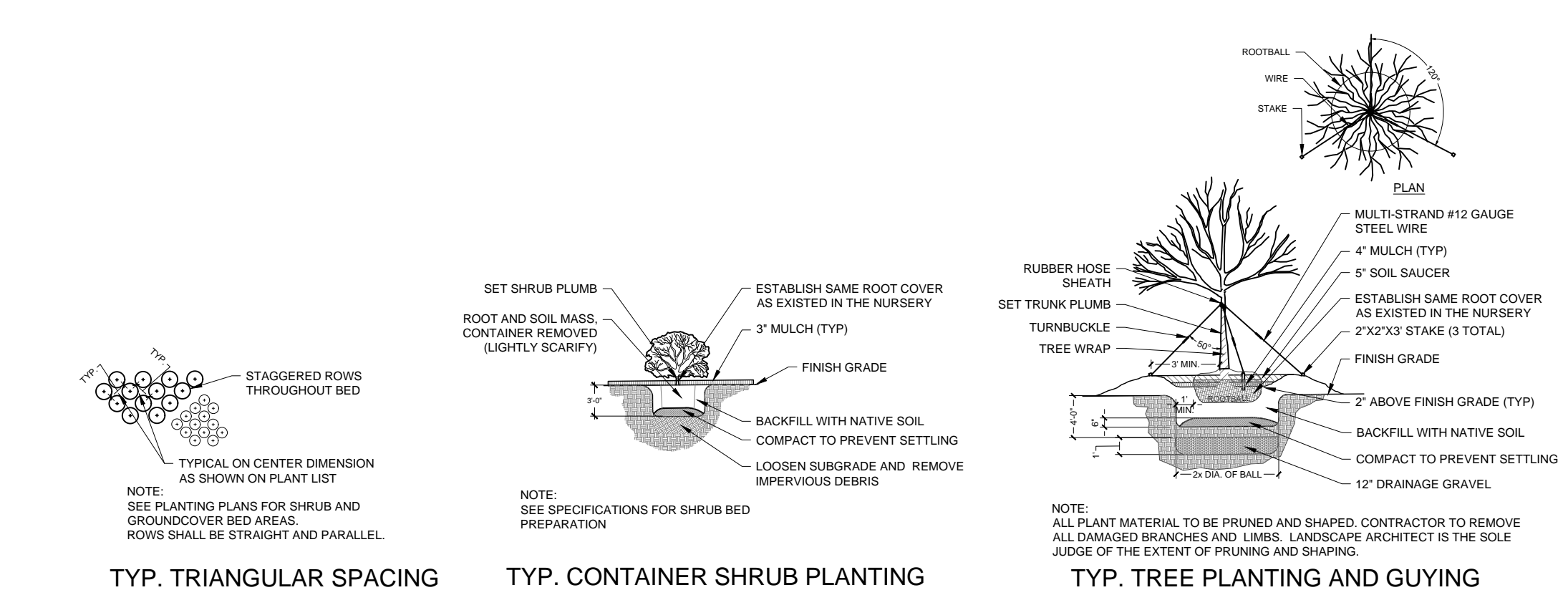




-175-
ASHFORD DUNWOODY ROAD
(MAJOR PARKWAY)

IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
770-623-4344
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

CAUTION
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE LANDSCAPE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE CAUSED TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



2 PLANTING DETAILS
SCALE: 1/8" = 1'-0"

PLANT SCHEDULE				
TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY	
AG	Acer rubrum 'October Glory' TM / October Glory Maple 12' HEIGHT; FULL; MATCHED (x=100.00)	3" Cal.	7	
CJ	Cryptomeria japonica / Japanese Cedar FULL TO GROUND; MATCHED (x=100.00)	10' x 4'	7	
LD	Lagerstroemia indica 'Dynamite' / Dynamite Crape Myrtle 10' HEIGHT; STD TRUNK; FULL; MATCHED (x=100.00)	3" Cal.	19	
MA	Magnolia grandiflora 'Alta' / Alta Magnolia FULL TO GROUND; MATCHED (x=100.00)	10' x 4'	3	
PY	Prunus x yedoensis / Yoshino Cherry 10' HEIGHT; FULL; MATCHED (x=100.00)	3" Cal.	12	
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	QTY	
LR	Liquidambar japonicum 'Recurvifolium' / Recurve Iguistum (x=100.00)	3 Gal.	66	
LP	Loropetalum chinense 'Purple Pixie' / Purple Pixie Loropetalum (x=100.00)	3 Gal.	76	
LR2	Loropetalum chinense 'Ruby' / Ruby Loropetalum (x=100.00)	3 Gal.	30	
OF	Osmanthus fragrans / Fragrant Tea Olive (x=100.00)	7 Gal.	4	
PE	Prunus laurocerasus / English Laurel (x=100.00)	3 Gal.	41	
RI	Rhaphiolepis indica / Indian Hawthorn (x=100.00)	3 Gal.	40	
TF	Taxus baccata 'Fastigata' / Fastiga English Yew (x=100.00)	7 Gal.	6	
SHRUB AREAS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
JB	Juniperus squamata 'Blue Star' / Blue Star Juniper (x=100.00)	1 Gal.	30" o.c.	361 sf
MC	Muhlenbergia capillaris / Pink Muhly (x=100.00)	1 Gal.	42" o.c.	560 sf
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
AM	Annual Material / Annuals (x=100.00)	4" POTS	8" o.c.	1,055
HO	Hemerocallis x 'Stella de Oro' / Stella de Oro Daylily (x=100.00)	1 GAL.	18" o.c.	510
LB	Liriope muscari 'Big Blue' / Big Blue Lilyturf (x=100.00)	4" POTS	12" o.c.	1,204
PT	Pachysandra terminalis / Pachysandra (x=100.00)	4" POTS	12" o.c.	629

LANDSCAPE LEGEND

PROPERTY LINE — — — — —

SETBACK LINE — — — — —

BUFFER LINE - - - - -

PROPOSED TREE

PROPOSED SHRUBS

PROPOSED GROUND COVER

ALL LANDSCAPE AREAS TO BE MULCHED WITH PINE STRAW MULCH UNLESS OTHERWISE NOTED

LANDSCAPE NOTE

LANDSCAPE PLAN PREPARED TO DENOTE PRELIMINARY DESIGN INTENT. PLANT SELECTION, MATERIALS, QUANTITY AND LAYOUT SUBJECT TO REVISIONS. ALL SUBSTITUTIONS MUST BE APPROVED BY OWNER AND LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

BRANCH PROPERTIES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA 30326
(404) 532-6960

OWNER

PROJECT

ISSUE SCHEDULE

NO.	DATE	REVISION DESCRIPTION
1	06/13/2017	RESPONSE TO CITY COMMENTS

SHEET NAME: ZONING LANDSCAPE PLAN

PROJECT NUMBER: 1700203

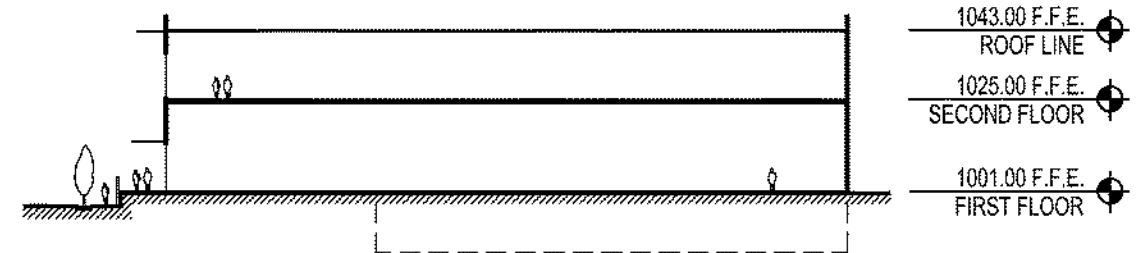
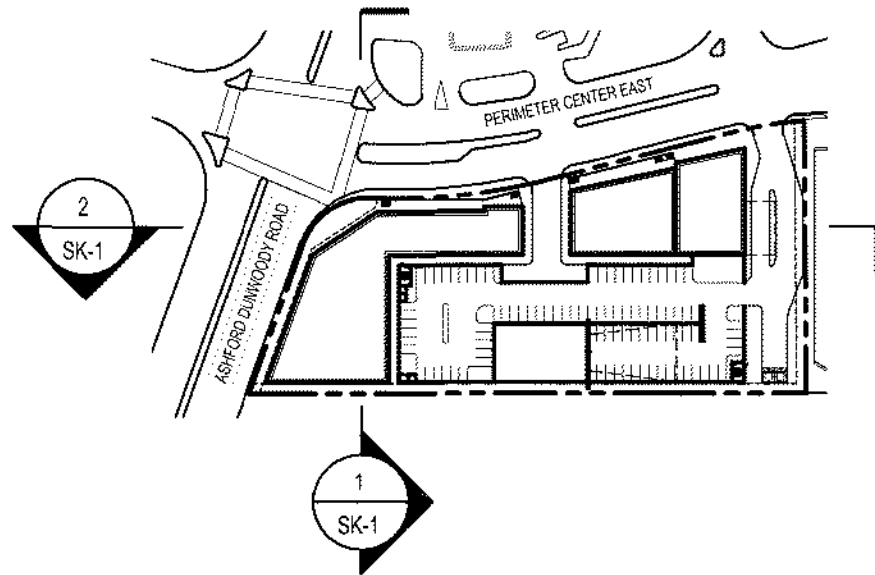
DATE: 13 JUNE 2017

COMMENTS:

SHEET NO:

SCALE: AS SHOWN

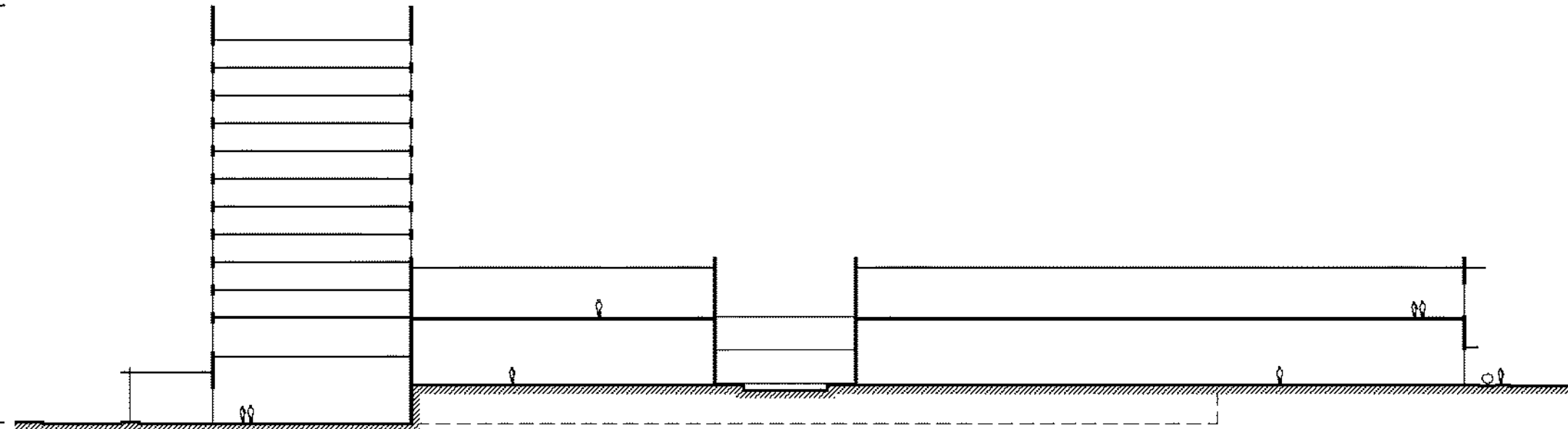
AUC DESIGN GROUP
770.330.0814



1 SITE SECTION
SCALE: 1"=50'

1137.00 F.F.E.
ROOF LINE

987.00 F.F.E.
FIRST FLOOR



2 SITE SECTION
SCALE: 1"=50'

1043.00 F.F.E.
ROOF LINE
1025.00 F.F.E.
SECOND FLOOR
1001.00 F.F.E.
FIRST FLOOR

CLIENT



BRANCH
PROPERTIES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA. 30326
(404) 832-8900

PROJECT
BRANCH PERIMETER CENTER EAST

LOCATION
SANDY SPRINGS, GA

JOB NUMBER
1717701

DATE
06/13/17

BY
MJM/BAR

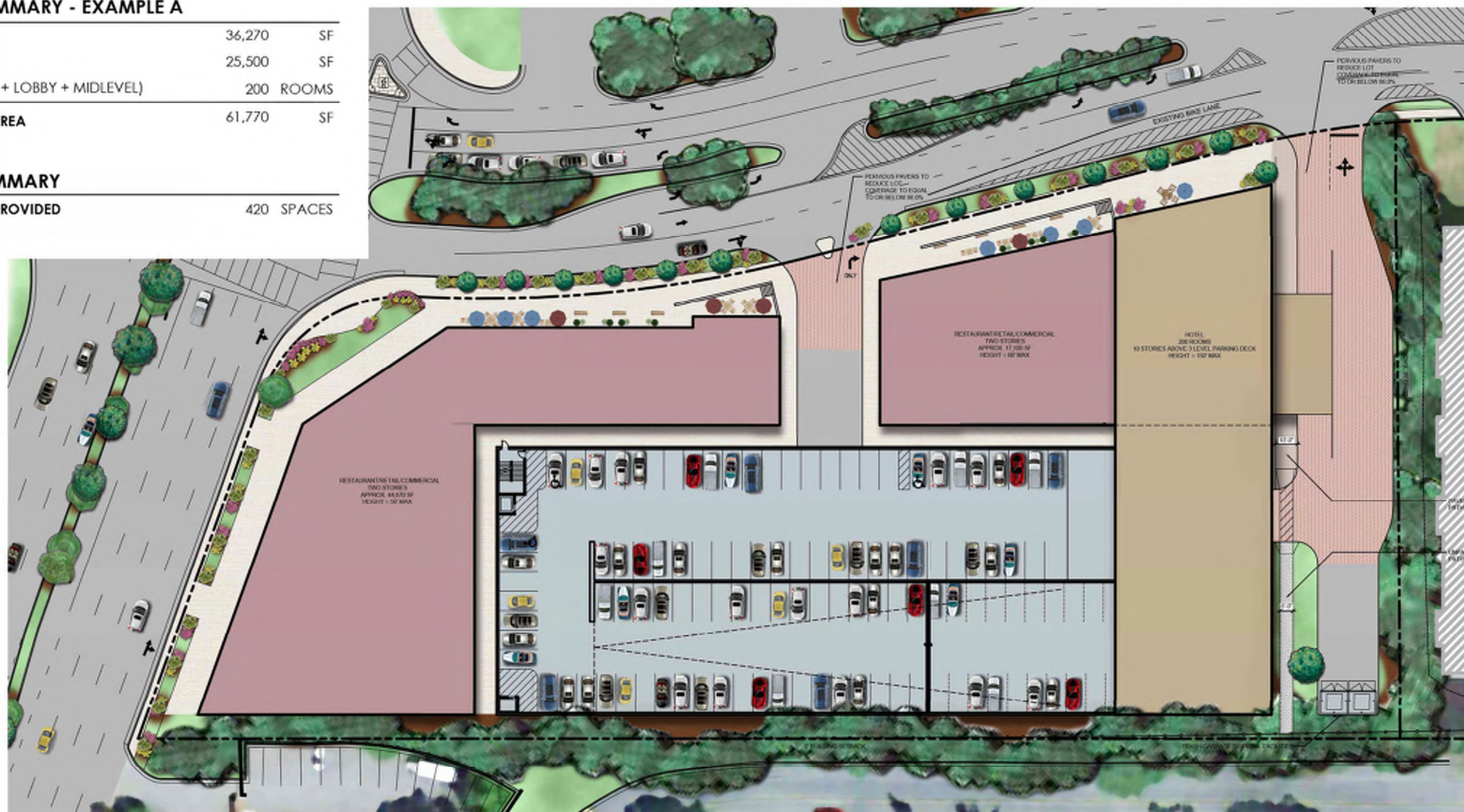
DRAWING
SK-1 SITE SECTIONS



PHILLIPS
THE PALISADES
5901 PEACHTREE DUNWOODY RD.
BUILDING A, SUITE 450
ATLANTA, GA 30328
770.394.1616

#4.

TOTAL PARKING PROVIDED	420 SPACES
------------------------	------------



1
SP-04

NOTE: PRELIMINARY RENDERED PLAN.
SEE UPDATED LANDSCAPE PLAN, L1.0

BRANCH
PROPERTIES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA. 30326
(404) 832-8900

LOCATION
SANDY SPRINGS, GA

DATE
06/13/17

DRAWING
SP-04 - COLOR RENDER



PHILLIPS
THE PALISADES
5901 PEACHTREE DUNWOODY RD
BUILDING A, SUITE 450
ATLANTA, GA 30328
770.394.1616



-179-



BRANCH PERIMETER CENTER EAST

DUNWOODY, GA
HOTEL ENTRY RENDERING
05/31/17

COMM. Boyer
ITEM NO. 113
CLERK'S OFFICE

7,22,08

Current as of 07/10/08

CONDITIONS OF APPROVAL

Z-08-14825

1. The Property shall be developed substantially in accordance with the Marriott Site Plan dated June 4, 2008 as revised June 16, 2008 and prepared by Cooper Carry attached as Exhibit 1.
2. The development shall consist of no more than a twelve (12) story hotel/fitness club/restaurant and no more than 510 parking spaces of which no more than 67 will be valet-parked. The hotel shall consist of no more than 232 rooms and include approximately a 7,050 square foot full service restaurant with bar area and approximately 5,369 gross square feet of meeting space. The fitness club shall consist of approximately 70,000 gross square feet and include an accessory child care center for members.
3. Developer's plan does and will accommodate future access to Ravinia Parkway. However, the end of the drive where it would connect to Ravinia need not be constructed until Ravinia consents to the connection.
4. Developer will eliminate the existing curb cut on Ashford-Dunwoody Road. The Developer may have a full turning movement at its main entrance drive.
5. Neon, gas, flashing, animated, sound emitting, or rotating signs are prohibited. The developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all signs in the public right of way. Signage to be placed on the property shall be in the general locations set forth on the site plan and shall be consistent with the signage package attached as Exhibit 2.
6. Developer will provide sidewalks along its property frontage along Ashford-Dunwoody Road and Perimeter Center East. Sidewalks shall be a minimum of eight (8) feet wide and shall include a five (5) foot planting strip.
7. Outdoor seating shall be allowed in the front of the restaurant use. Sidewalks adjacent to the area of outdoor seating shall provide a minimum of six (6) foot wide clear walkways for pedestrians.
8. The Developer shall follow the 2007 Perimeter CID Public Standards for "Boulevards" for all lighting it installs in the public right of way.
9. In lieu of complying with the DeKalb County Tree Ordinance, Section 14-39 of the Code of DeKalb County, Developer shall comply with the Tree Preservation and Replacement Plan attached as Exhibit 3.

LIT\1041721.2

Current as of 07/10/08

10. All utilities shall be underground. All street lighting shall be installed with an underground feed.
11. Developer shall follow the "Best Practice Management for Erosion Guidelines" and shall be particularly sensitive to erosion control along the property lines.
12. Detention for the development shall meet the minimum requirements of DeKalb County. In addition, Developer shall introduce stormwater recycling for landscaping irrigation.
13. All HVAC equipment located on the roofs of buildings shall be screened from view of pedestrians on public right of way.
14. Signs located at the entrances to the development shall be monument style signs and shall be externally lit.
15. Developer shall allow access to its property by any shuttle system implemented by the PCID. The Developer also shall have the right to operate its own shuttle.
16. Louvers shall be used to screen cars in the parking deck.
17. In the event that Renaissance Hotel Operating Company, its successors or permitted assigns, does not acquire fee simple title to the property from RB 84 PC LLC on or before March 15, 2009, then upon proof provided to the County of the continued ownership of the property by RB 84 PC LLC, the zoning of the property automatically shall revert, or DeKalb County shall take steps necessary to rezone and reissue a SLUP for the Subject Property, subject to the same conditions as applicable thereto on May 28, 2008.

LIT1041721.2

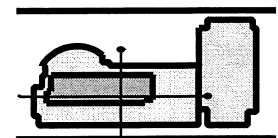
3520 PIEDMONT ROAD, NE
SUITE 200
ATLANTA, GA 30305
404-237-2000
WWW.COOPERCARRY.COM

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No.	Drawing Issue	Description	Date

PERIMETER
RENAISSANCE
CLUB SPORT
HOTEL - FITNESS - SPA

Atlanta, Georgia



SITE PLAN

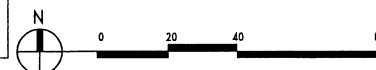
NEAL
Principal-In-Charge
DOMINGUEZ
Project Manager
Project Architect
A0.01
Drawing No.



CZ-08-14791

PRELIMINARY SITE AREA SITE AREA : 124,819 GSF (2.86 ACRES) PROPOSED BUILDING FOOTPRINT: 65,707 GSF + 37,758 GSF HARDSCAPE SITE COVERAGE: 82.89% (FOOTPRINT/SITE) ZONING: O-I (CONDITIONAL)	REQUIRED PARKING:		PROPOSED PARKING:	NOTE: THE PARKING, ANY BUILDING FOOTPRINT, AND DRIVEWAY LOCATIONS AS SHOWN, REFLECT THE CURRENT DEVELOPMENT PLANS FOR THE SITE. THEY MAY, HOWEVER BE MODIFIED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH CONDITIONS OF ZONING.
	RESTAURANT (@ 75 SF/SPACE)	80	RESTAURANT (TBD after completion of shared parking study)	
	HOTEL: 232 ROOM (@1.25 SPACES/ UNIT)	290	HOTEL: 232 ROOM (TBD after completion of shared parking study)	
	FITNESS CLUB (@ 5 MEMBERS / SPACE)	600	FITNESS CLUB (TBD after completion of shared parking study)	
	TOTAL:	970	TOTAL:	

NOTE: THE PARKING, ANY BUILDING FOOTPRINT, AND DRIVEWAY LOCATIONS AS SHOWN, REFLECT THE CURRENT DEVELOPMENT PLANS FOR THE SITE. THEY MAY, HOWEVER BE MODIFIED TO THE EXTENT THAT THEY DO NOT CONFLICT WITH CONDITIONS OF ZONING.



MEMORANDUM

To: Mr. Jack Haylett
Branch Acquisition Company, LLC

From: Mr. John D. Walker, P.E., PTOE 

Date: June 29, 2017

RE: **Perimeter Center East – Parking Evaluation**

Kimley-Horn is pleased to provide this memorandum summarizing the parking evaluation of the proposed *Perimeter Center East* development.

PROJECT OVERVIEW

As currently envisioned, the proposed *Perimeter Center East* development will consist of a 200-room hotel, 36,270 SF of retail, and 25,500 SF of restaurant. The project site consists of approximately 2.8 acres and is bounded by Ashford Dunwoody Road to the west and Perimeter Center East to the north. A site location map and aerial are attached to this memorandum.

Parking for the land uses will be provided by a proposed on-site shared parking garage. Pedestrian access will be provided between the parking garage and all proposed land uses. As shown on the site plan, 420 parking spaces will be provided.

PARKING EVALUATION

In accordance with City of Dunwoody zoning code, parking requirements are 1.25 spaces per hotel room, 6.67 spaces per 1,000 SF of restaurant, and 4 spaces per 1,000 SF of retail. These rates are designed to provide sufficient parking for a single land-use suburban development, without any reductions for alternative transportation mode, or reductions for internal capture or shared parking for mixed-use developments.

Given the proximity of the project to public transportation, pedestrian facilities, bicycle facilities, and high density land uses in the area, reductions for alternate modes of transportation are justified in accordance with methodology outlined by the Institute of Transportation Engineers (ITE). Furthermore, usage of Transportation Network Companies (TNC), such as Uber and Lyft, has increased dramatically in recent years, especially for business air travelers staying in hotels. Therefore, reductions for alternate mode (walk, bike, carpool, bus, TNC, etc.) were applied as documented in Table 1.

For this analysis, the hotel was assumed to have an 82% occupancy. Hotel occupancy data for the Atlanta market in recent years, as reported by Smith Travel Research, has shown average occupancies in the 65-82% range.

A summary of the parking analysis is documented in **Table 1** below.

Table 1: Parking Analysis Summary					
Land Use	Density	Dunwoody Parking Rates	Alt. Mode Reduction	% Occupied	Spaces Needed per Land Use
Hotel	200 rooms	1.25	35%	82%	133
Restaurant	25,500 s.f.	6.67	15%	100%	145
Retail	36,270 s.f.	4	10%	100%	131
<i>Total</i>					409

The number of spaces needed for each land use are shown in the table above. Combined, a total of 409 parking spaces are needed to serve the development. The site proposes a total of 420 parking spaces, 11 spaces more than the number of spaces needed.

It is our understanding the proposed parking garage intends to reserve 100 parking spaces for exclusive hotel use, while the remaining 320 spaces will be shared among all three land uses. The restaurant and retail uses need a total of 276 spaces. This total of 376 spaces – 100 spaces reserved for the hotel and 276 spaces for retail/restaurants – is 44 spaces less than what will be provided. These extra spaces more than cover the additional 33 unreserved spaces needed for the hotel.

It should be noted that this analysis does not account for anticipated reductions in trip generation and thus a reduction in parking demand as a result of internal capture (patrons/guests visiting multiple land uses in one visit). Therefore, the potential for internal capture reductions would only further relieve the parking demand/supply ratio.

CONCLUSION

As currently envisioned, the *Perimeter Center East* development proposes a single, 420-space parking garage, with most of its spaces shared, to serve all land uses on-site. Not accounting for additional potential reductions for internal capture or shared parking benefit, our parking evaluation shows that a minimum of 409 parking spaces should be provided.

I hope this information is helpful. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



John D. Walker, P.E., PTOE
Senior Vice President / Senior Associate

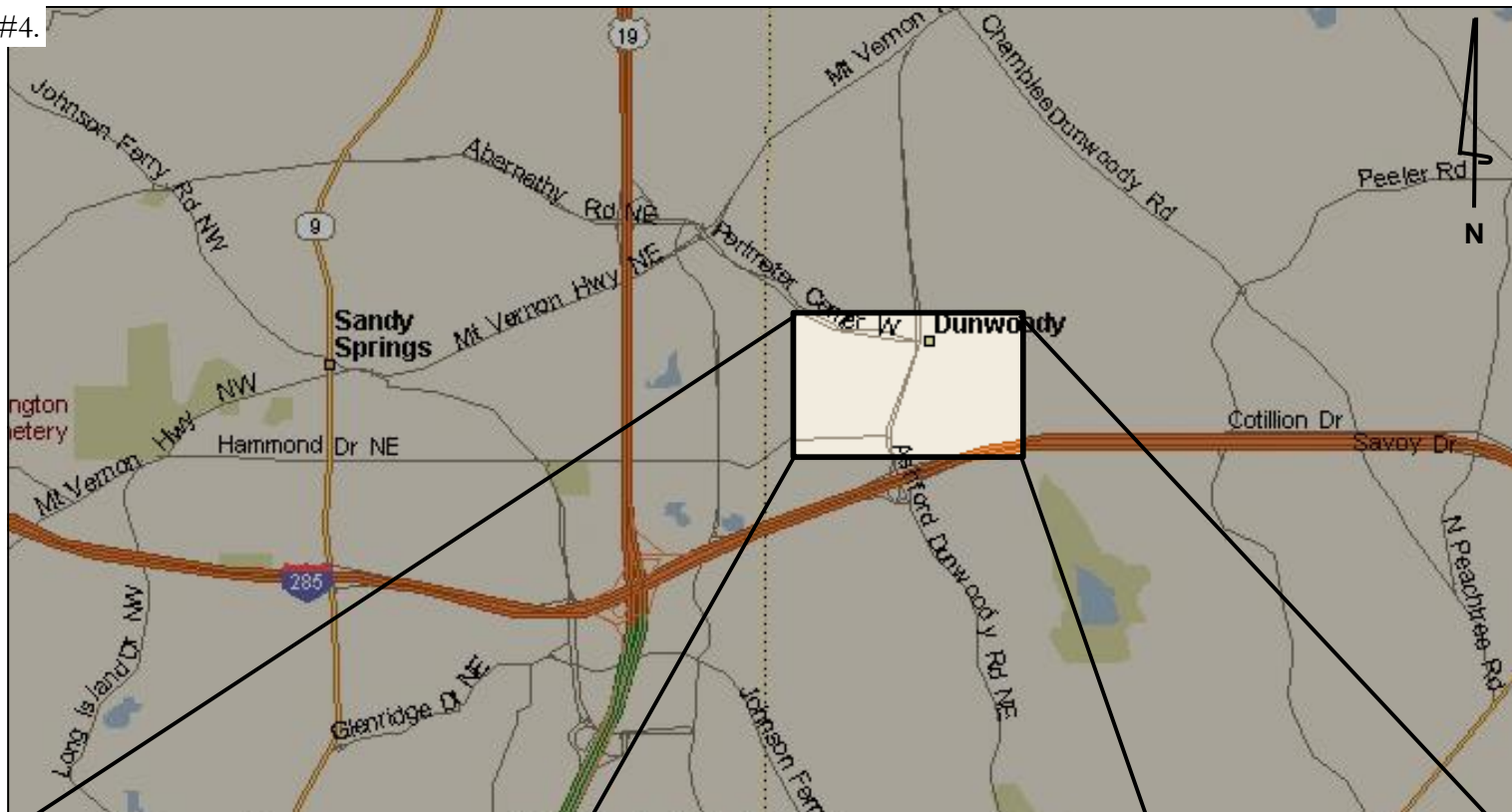


Michael Wanko, P.E.
Project Analyst

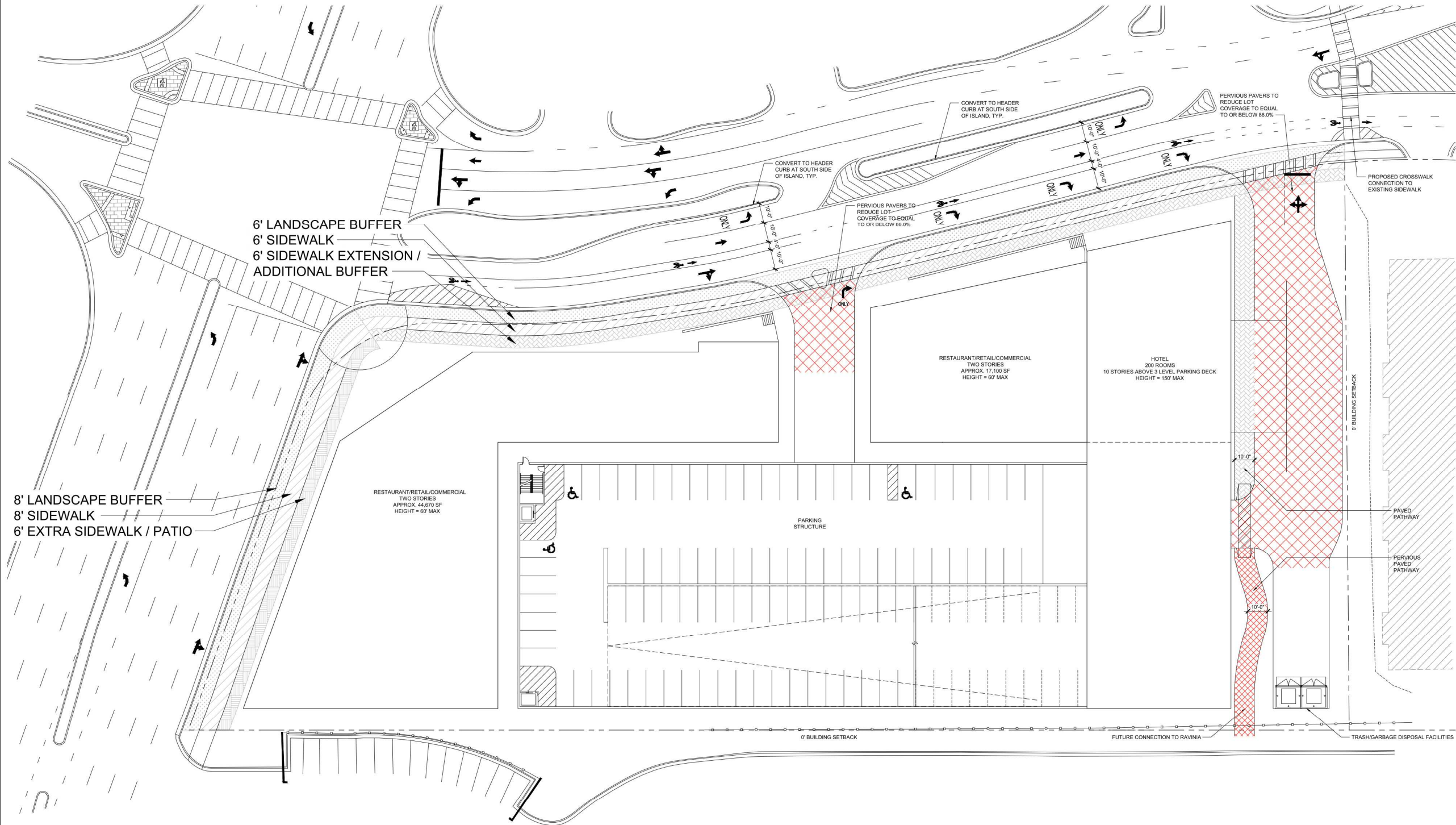
Attachments:

- Figure 1: Site Location Map
- Figure 2: Aerial
- Site Plan

#4.







ZONING MODIFICATION PLAN
SCALE: 1" = 20'

ZONING	EXISTING C-1 CONDITIONAL	PROPOSED C-1 CONDITIONAL
USES	HOTEL & MEETING SPACE, RESTAURANT, FITNESS CLUB, ACCESSORY CHILD CARE	HOTEL, RESTAURANT/RETAIL/COMMERCIAL
SQUARE FOOTAGE		
HOTEL	232 ROOMS	200 ROOMS
FITNESS CLUB	70,000SF	-
RETAIL/RESTAURANT/COMMERCIAL TOTAL	7,050 SF RESTAURANT	61,770 SF
HEIGHTS	12 STORIES	12 STORIES
PARKING	510 SPACES	420 SPACES
SETBACKS	0 FEET (ALL SIDES)	0 FEET (ALL SIDES)
LOT COVERAGE	86%	86%

DATA TABLE	
BUILDING SUMMARY - EXAMPLE A	
RETAIL	36,270 SF
RESTAURANT	25,500 SF
TOTAL PROJECT AREA	61,770 SF
HOTEL SUMMARY	
HOTEL (10 LEVELS + LOBBY + MIDLEVEL)	200 ROOMS
PARKING SUMMARY	
TOTAL PARKING PROVIDED	420 SPACES



PHILLIPS
770.394.1616

CONSULTANT

SEAL

ISSUE & REVISION RECORD

#	DATE	DESCRIPTION

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TENANT

PROJECT

BRANCH
PERIMETER
CENTER EAST
SANDY SPRINGS, GEORGIA

CLIENT

BRANCH
PROPERTIES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA. 30326
(404) 832-8900

PHILLIPS JOB NUMBER 1717701

ISSUE DATE 06/28/17

DRAWN BY / CHECKED BY WHH/MM/BBAR

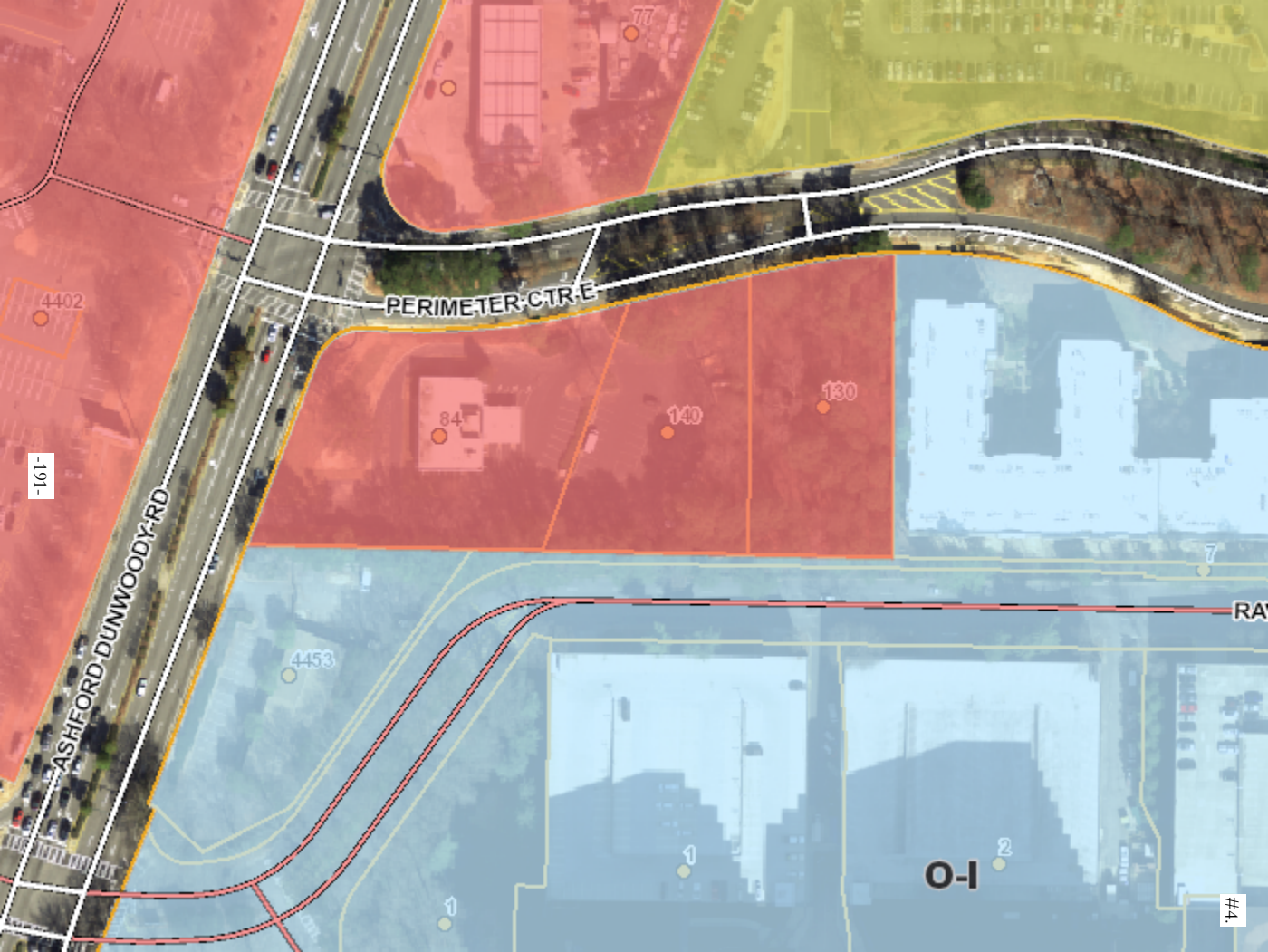
DRAWING TITLE

ZONING
MODIFICATION PLAN

SHEET NUMBER

SP-4.1

THE PHILLIPS
1115 Peachtree Road, Suite 1100
Atlanta, Georgia 30309
ATLANTA, GEORGIA



-161-

PERIMETER CTRE

ASHFORD DUNWOODY RD

4402

84

140

130

4453

1

2

7

O-I

#4

RA



#4.





#4.





#4.





#4.





Perimeter Center OVERLAY

City of Dunwoody, Georgia



ADOPTED MAY 22, 2017

Dunwoody 
* Smart people – Smart city

City of Dunwoody

41 Perimeter Center East
Suite 250
Dunwoody GA 30346

City Mayor

Denis Shortal

City Council

Lynn Deutsch
John Heneghan
Terry Nall
Jim Riticher
Pam Tallmage
Douglas Thompson

Planning Commission

Bob Dallas, Chair
Kirk Anders
Richard Grove
Bill Grossman
Renate Herod
Paul Player
Thomas O'Brien

City Staff

Eric Linton, City Manager
Jessica Guinn, Assistant City Manager
Steve Foote, Community Development Director
Michael Starling, Economic Development Director
Michael Smith, Public Works Director
Rebecca Keefer, City Planner/Director of Sustainability & Project Manager
John Olson, City Planner
Andrew Russell, Planning Coordinator
Eric Bosman, City Consultant

Sounding Board

Robert Miller
Alex Chambers
Bob Dallas
Jennifer Harper
Stacey Harris
Cheryl Spitalnick
Tony Torbert

CODAMETRICS

duncan | associates

27-98 Perimeter Center Overlay

SECTIONS

- (a) Overlay Generally
- (b) Street Types
- (c) Streets & Blocks
- (d) General Building Design Criteria

27-98 Perimeter Center Overlay

(a) Overlay Generally

(1) Intent. The regulations of the Perimeter Center Overlay are intended to recognize and foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability.

(2) Purpose. The Perimeter Center Overlay has been created to further the following public purposes.

- a. **Plan Compatibility.** To guide new development and redevelopment as defined by the **City of Dunwoody Comprehensive Plan** (adopted 2015) and as amended.
- b. **Perimeter Community Improvement Districts (PCIDs).** To provide implementation guidance for the general vision defined in **Perimeter @ The Center - Future Focus, 2011 - A Ten Year LCI Update**, dated November 2011, as amended (past, current, and future), and adopted by City Council.

(3) Applicability. The regulations within this section, 27-98 Perimeter Center Overlay, apply to all buildings, structures, land and uses within the Perimeter Center Overlay, as illustrated on the City's zoning map and in Figure 27-98-1 Perimeter Center Overlay Map.

(4) Existing Land Development Regulations. Refer to chapter 16 Land Development Regulations for additional requirements. When there is a conflict between the following regulations and chapter 16, the Perimeter Center Overlay regulations govern.

(5) Review and Approval Procedures. Unless otherwise expressly stated, all uses and development in Perimeter Center Overlay are subject to the applicable review and approval procedures of Article V, as well as any applicable procedures in chapter 16 of the municipal code (land development regulations).

(6) Site Plan Review. All applications for development permits within the Perimeter Center Overlay must be accompanied by a site plan, which is subject to review and approval in accordance with Article V, Division 10.

(7) Relief. In some instances, unique site conditions, existing building circumstances or other constraints related to the subject property may make strict compliance with the Perimeter Center Overlay regulations impossible or highly impractical. In such instances, an applicant may seek relief from applicable regulations. Any relief granted and conditions imposed

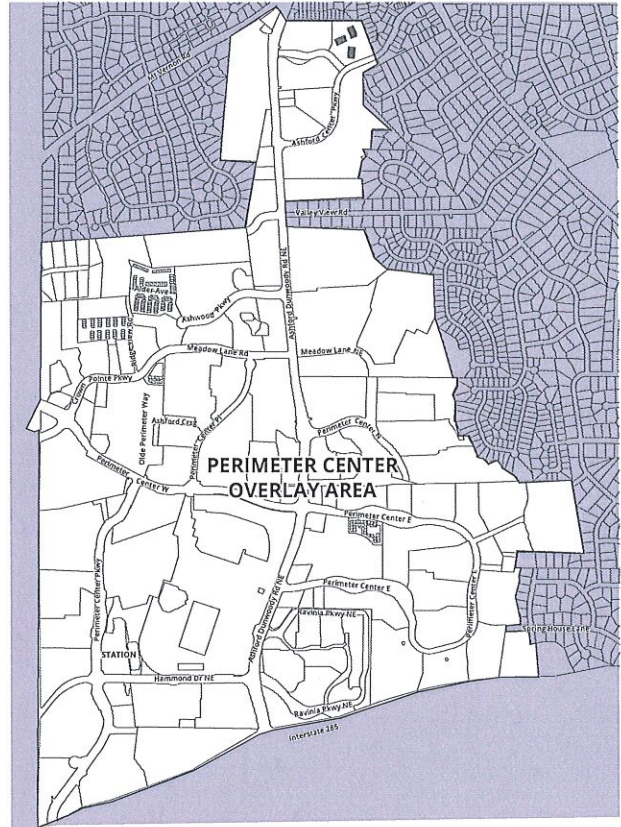


Figure 27-98-1 Perimeter Center Overlay Map

27-98 Perimeter Center Overlay

Street Types

run with the land and are binding on the subject property owner and all future property owners.

a. Minor Exception—Administrative Relief. The community development director or public works director, as noted, is authorized to approve the following minor exceptions to strict compliance in accordance with the special administrative permit procedures of Article V, Division 7:

1. A change to any street or frontage option component width or depth (requires approval by the public works director);
2. A reduction in required landscape or yard depth by no more than 10 percent;
3. Establishment of a public access easement in lieu of right-of-way dedication for street type frontage options, per the public works director.
4. Retaining walls in street type frontages up to 5 feet in height when extreme grades prevent the use of shorter walls and landscaping is used to mitigate the visual impacts of the taller retaining wall at the sidewalk edge; and
5. Any other minor exception expressly authorized under the Perimeter Center Overlay regulations.

b. Major Exceptions—Special Land Use Permit. Major exceptions to strict compliance with the Perimeter Center Overlay regulations include any exception to strict compliance that is not expressly authorized as a minor exception under the provisions of subsection 27-98(a)(7) a. Major exceptions require review and approval in accordance with the special land use permit procedures of Article V, Division 3.

(b) Street Types

(1) Intent

Street Types are established for all of the existing and new streets in the Perimeter Center Overlay area. Frontage options are defined for the space between the building or parking and the curb per street type. Street Types and Frontage Options are intended to address the comfort, convenience, and safety of pedestrians and bicyclists; to develop a network of streets with identifiable character; and to provide an aesthetically pleasing edge to all development.

(2) Applicability

All new development and redevelopment within the Perimeter Center Overlay shall meet the Street Type frontage requirements under any one of the following circumstances:

- a. New Structure.** Development of a new principal structure on a lot or a portion of a lot.
- b. Redevelopment or Renovation.** Redevelopment or renovation of an existing structure or site that increases the gross building square footage by more than 50 percent.
- c. Parking Lots.** Redevelopment or revision to 50 percent or more of an existing parking lot or development of a new parking lot consisting of 15 or more spaces, not including resurfacing or repairing an existing layout.

27-98 Perimeter Center Overlay

Street Types

(3) Street Types Map

Figure 27-98-2 Street Types Map defines street types in Perimeter Center for existing and new streets. Refer to 27-98(c) Streets & Blocks for more information about new streets and their designated locations.

Locations illustrated on the Street Types map are approximate. The requirements and locations of all streets shall be determined by and approved by the public works director during the Site Plan review process.

a. Street Types. The following Street Types are established for the existing streets and any new streets adjacent to and within the Perimeter Center Overlay. Refer to Figure 27-98-2 Street Types Map for the typologies of existing streets and proposed new streets.

1. **Major Parkway Street.** The Major Parkway Street Type is intended to create a parkway effect along the major transportation corridors within Perimeter Center through the use of wide landscape areas heavily planted with native or naturalized trees. Major Parkways require designated bicycle facilities. Refer to 27-98(b)(5) Major Parkway Street Type for requirements.
2. **Minor Parkway Street.** The Minor Parkway Street Type is intended to create a parkway effect along transportation corridors within Perimeter Center through the use of wide landscape areas heavily planted with trees. Minor Parkways require designated bicycle facilities. Refer to 27-98(b)(6) Minor Parkway Street Type for requirements.
3. **Primary Street.** The Primary Street Type is intended to establish a series of comfortably scaled streets with continuous building frontage and a limited number of drives interrupting the sidewalk. Primary Streets require a balance between bicyclists and pedestrians and automobiles by providing designated bicycle facilities and a robust pedestrian realm, and by prioritizing bicyclists and pedestrians for a more balanced transportation route. Refer to 27-98(b)(7) Primary Street Type for requirements.
4. **Secondary Street.** The Secondary Street Type is meant to establish a designated street for parking lot and structure access, while still providing a safe and comfortable pedestrian realm. Refer to 27-98(b)(8) Secondary Street Type for requirements.

b. Street Type Graphics. The graphics provided in this section illustrate the preferred configuration of each Street Type. By applying the standards defined, other configurations are permitted.

c. Redesignating Street Types. Existing street designations are set to match the existing character to the extent possible. New streets have been designated with the intent to provide an appropriate mix of Primary and Secondary Streets, establishing comfortable pedestrian streets while providing for parking access. Re-designation of existing streets may occur per the following:

1. **Process.** Parkways shall not be re-designated, except by a Text Amendment to this code. All other streets may be redesignated using the minor exception process.
2. **Entire Blocks.** When redesignating street types, the entire street between intersecting streets shall be redesignated.
3. **Primary Streets.** The intent is to maintain a similar amount of Primary Streets as established by the map. Primary Streets may be re-designated as Parkways or Secondary Streets only when a new or existing street, currently designated as Secondary, within or abutting the same parcel is redesignated as a Primary Street.
4. **Secondary Streets.** Existing Secondary Streets may be re-designated as Parkways or Primary Streets as long as vehicular access to parking for all surrounding sites has been addressed.

d. Shared-Use Paths. Trail locations are required per the City's current comprehensive plan or other City-approved cycle/pedestrian plan and in coordination with public works director for locations for other trails.

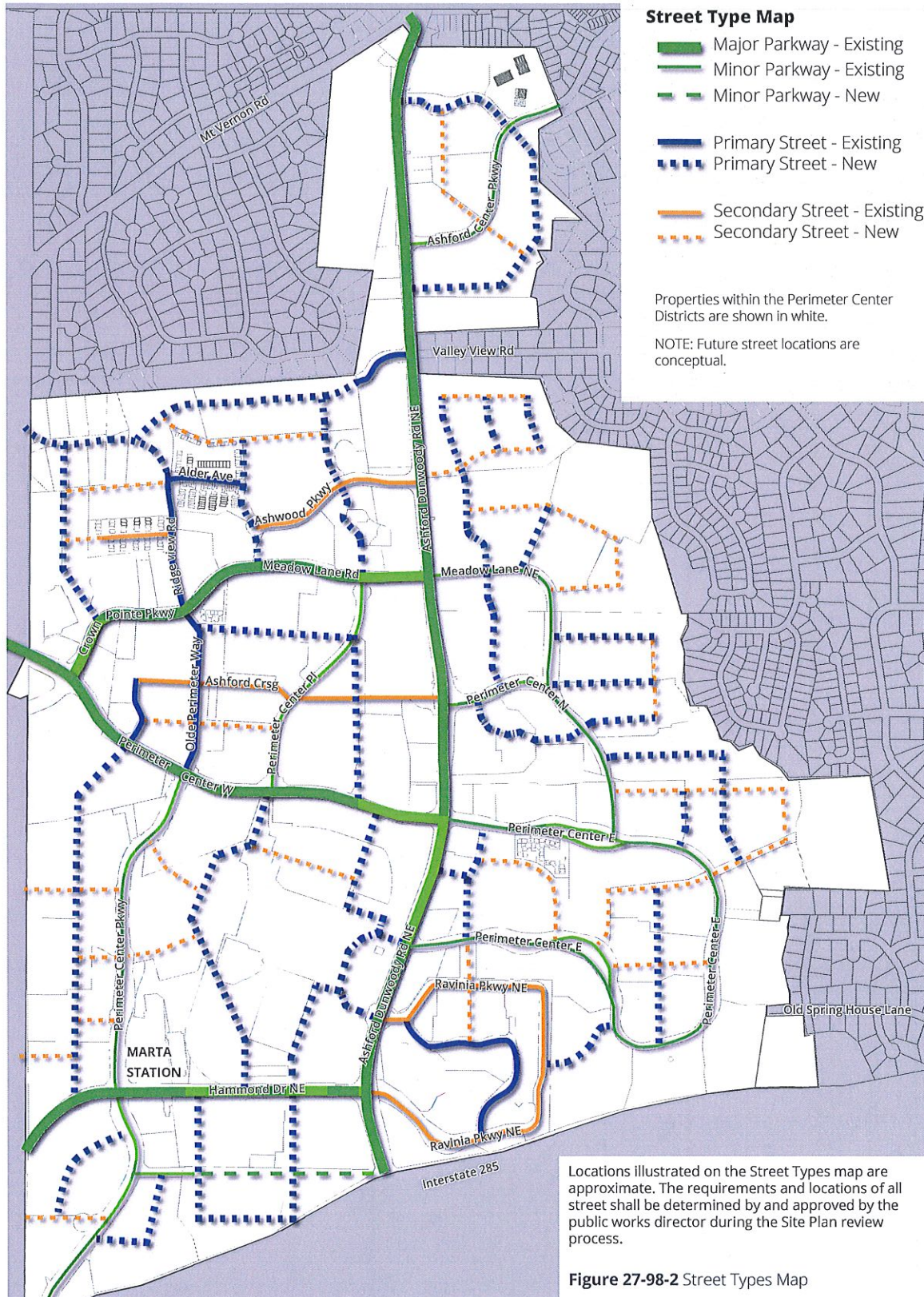
(4) Streetscape Furnishings & Hardscape Design

In addition to the Street Type frontage requirements that include minimum tree plantings and walk/trails, a street furnishings and hardscape design is required along all new and existing street frontages per the following.

a. Definition. The streetscape furnishings and hardscape design shall include the frontage area as defined by the Street Types plus any

27-98 Perimeter Center Overlay

Street Types



27-98 Perimeter Center Overlay

Street Types

hardscaped building setback area less than 25 feet deep from the frontage edge.

- b. Design Submittal.** A consistent design shall be submitted for approval with Site Plan Review for all streets within and adjacent to the development.
- c. Standard Specifications.** The design shall meet any standards defined by the City for sidewalk, curb, access, lighting, landscape, and other applicable construction details. Refer to Chapter 16, Land Development Regulations.
- d. Perimeter Community Improvements Districts (PCID) Public Space Standards.** Refer to the current PCID public space standards document for recommended streetscape component and material specifications.
- e. Submittal Requirements.** At a minimum, the design submittal shall include the following:
 1. **Trees.** Trees meeting the minimum requirements of 27-98(b) Street Types shall be included in the design, with details related to tree pits, tree grates, and tree planting to meet the landscape installation requirements of 27-364 Landscape.
 2. **Pavement Design.** Paving materials and pattern is required for each sidewalk and any other hardscape proposed. Pavement design shall address all walks or trails, including the minimum sidewalk or trail widths required by the frontage.
 3. **Street Furnishings.** Benches and/or seatwalls, planters, planter fences, tree grates, and trash receptacles shall be specified and quantities and locations listed for each street. For each block face, a minimum of two benches or seatwalls, one trash receptacle, and one recycling receptacle are required.
 4. **Bus Stop Facilities.** Coordinate with the public works director for the location of bus stops and the required facilities. Facilities may include benches, pavement, shelters, signs, and other improvements.
 5. **Landscape Design.** Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and open tree wells, including shrubs, perennials, annuals, and grasses.
6. **Lighting.** Pedestrian and vehicular lighting shall be specified with locations and quantities noted. All lighting shall meet any requirements of the public works director. Cut sheets and samples shall be submitted upon request.
7. **Stormwater Facilities.** Any stormwater facilities proposed for the right-of-way shall be included in the streetscape design. Facilities such as stormwater planters or parkway swales may be included. Maintenance responsibilities and processes shall be included.
8. **Identity Elements.** Any other elements designed to establish the identity of each street, such as banners mounted on light poles, pavement markers, artwork, or wayfinding signage, shall be included in the design submittal.
9. **Streetscape Maintenance.** Property owner is responsible for regular maintenance and emptying of trash and recycling receptacles, sweeping of sidewalks and seating areas, and tree maintenance. The City may request additional maintenance procedures.
10. **Streetscape Design Continuation.** The approved streetscape design for each street may be utilized by the City for the extension of any street outside the development to provide continuity.

27-98 Perimeter Center Overlay

Street Types

(5) Major Parkway Street Type

The Major Parkway Street Type applies to existing streets per Figure 27-98-2 Street Types Map. Refer to Figure 27-98-3. Table of Major Parkway Street Type Requirements and Figure 27-98-4 Existing Major Parkway Street Section.

- a. New Major Parkway Streets.** New Major Parkway streets are not permitted, unless otherwise required by the public works director. This street type is applicable only to existing streets per Figure 27-98-2 Street Types Map.
- b. Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Major Parkway as designated on the Figure 27-98-2 Street Types Map, shall apply one or more of the Major Parkway Street Frontage Options along the entire

length of the lot line abutting the Major Parkway. Refer to Figure 27-98-5 Table of Major Parkway Street Type Frontage Options.

- c. Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate context-sensitive bicycle facility, per public works director.

FIGURE 27-98-3: TABLE OF MAJOR PARKWAY STREET TYPE REQUIREMENTS

Right-of-Way Width	Varies; shall be wide enough to include curb to curb as well as frontage options.
Travel Lanes	4 to 8 lanes, 2 way
Lane Width	10' to 12' per public works director
Allowable Turn Lanes	Per public works director
Parking Lanes	Permitted only with public works director approval; then parallel only, 8' wide
Pavement Width	Existing, varies. Recommended median when crossing exceeds 32 feet in width.
Frontage Options	Refer to Figure 27-98-5 Table of Major Parkway Street Type Frontage Options.

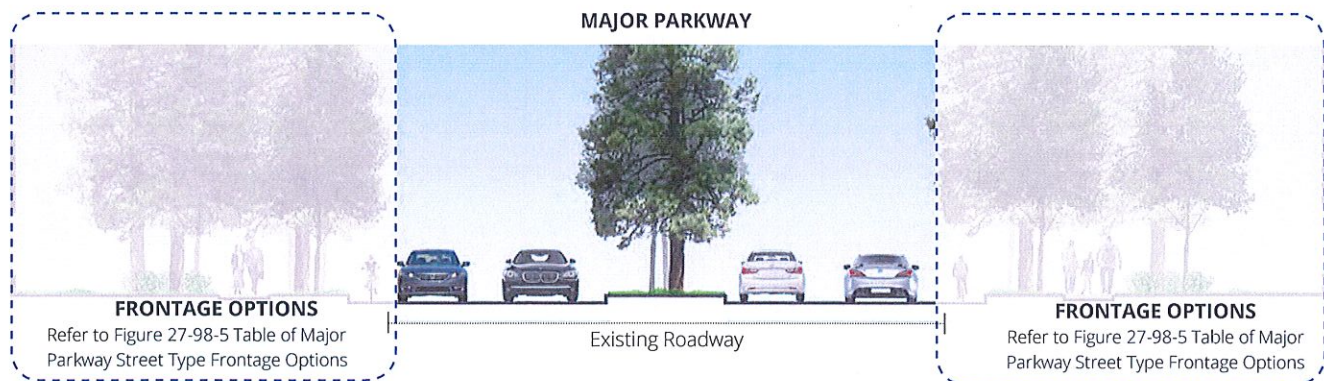


Figure 27-98-4 Existing Major Parkway Street Section

27-98 Perimeter Center Overlay

Street Types

FIGURE 27-98-5: TABLE OF MAJOR PARKWAY FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-6	ACTIVE EDGE refer to FIGURE 27-98-7	BUILDING EDGE refer to FIGURE 27-98-8
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 34 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum 34 feet.		
2 Street Buffer	<p>Minimum Depth: Street buffer depth may be varied, at a minimum of 8 feet with an average depth of 12 feet.</p> <p>Tree Plantings: Informal groupings of trees shall be spaced intermittently along the parkway with the goal of shading the parkway sidewalk at maturity. Trees shall be spaced between 12 feet and 40 feet on center. The buffer shall consist of at least 5 canopy trees per every 100 feet of buffer.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 to 4 ratio of rise to run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>		
3 Sidewalk	A minimum 8 foot wide sidewalk is required and may meander between trees.		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.		
5 Yard Treatment	Minimum Depth: minimum 6 foot deep landscape or patio area is required.		
	Parking Screen is required. Refer to Figure 27-229 Landscape Screen Requirements.	Patio shall be clearly differentiated from sidewalk. Fencing may be required for alcohol service per city ordinance. For PC Districts, the portion of the building facade adjacent to the patio shall meet the primary street facade requirements.	no additional requirements
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Parkway Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.		

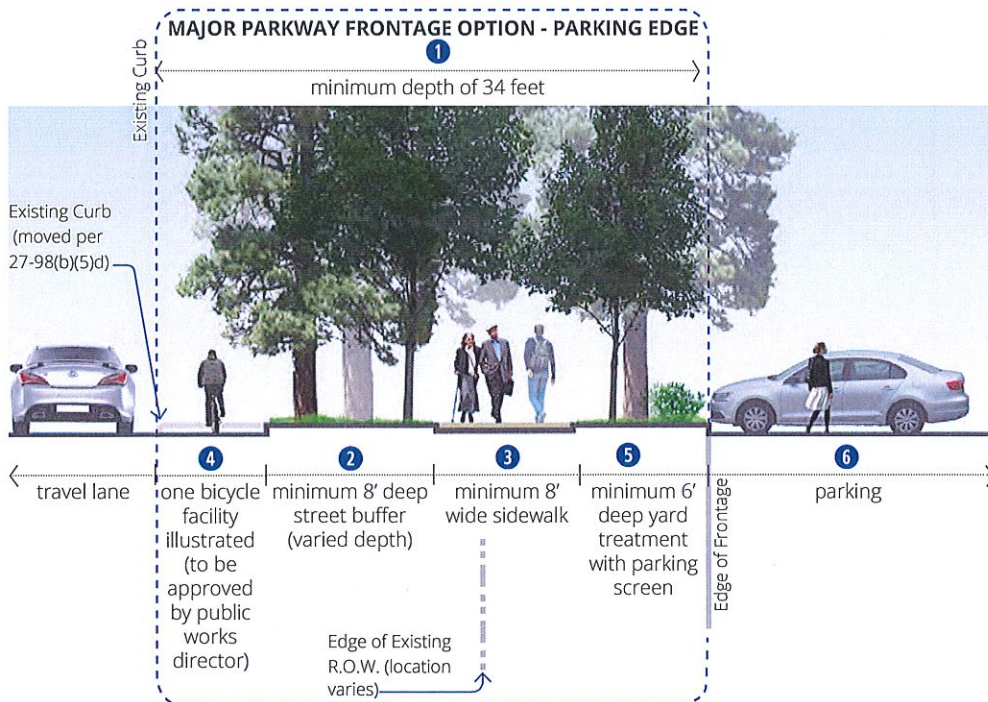


Figure 27-98-6 Major Parkway Frontage Option - Parking Edge

27-98 Perimeter Center Overlay

Street Types

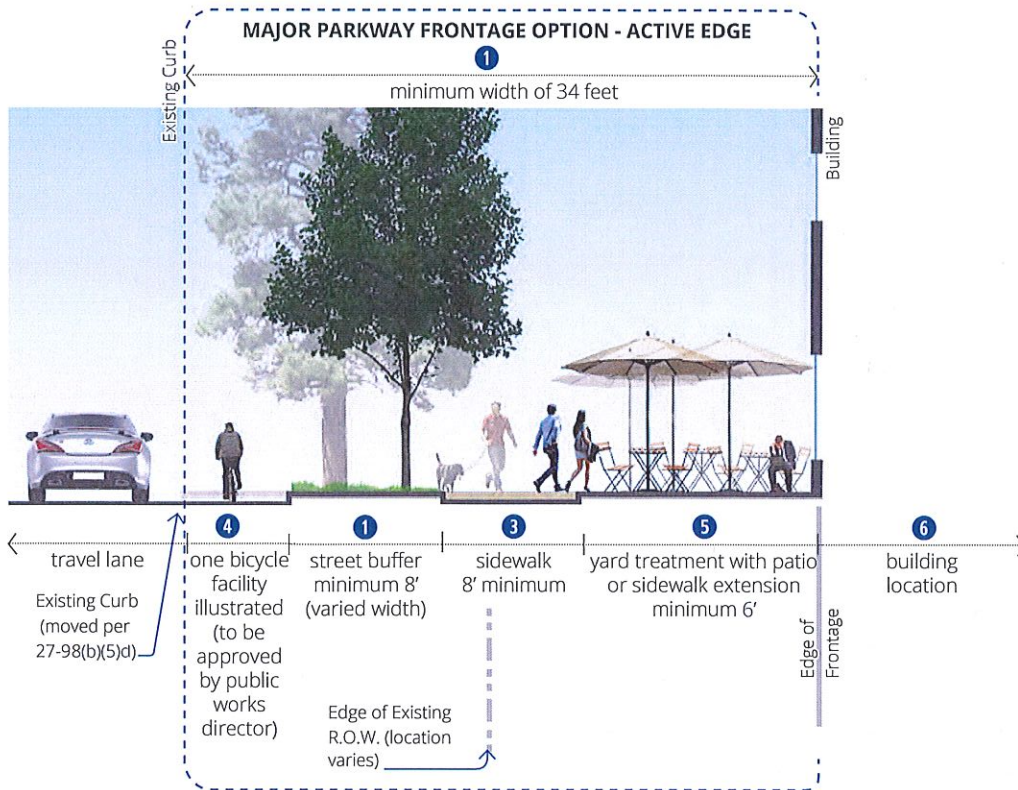


Figure 27-98-7 Major Parkway Frontage Option - Active Edge

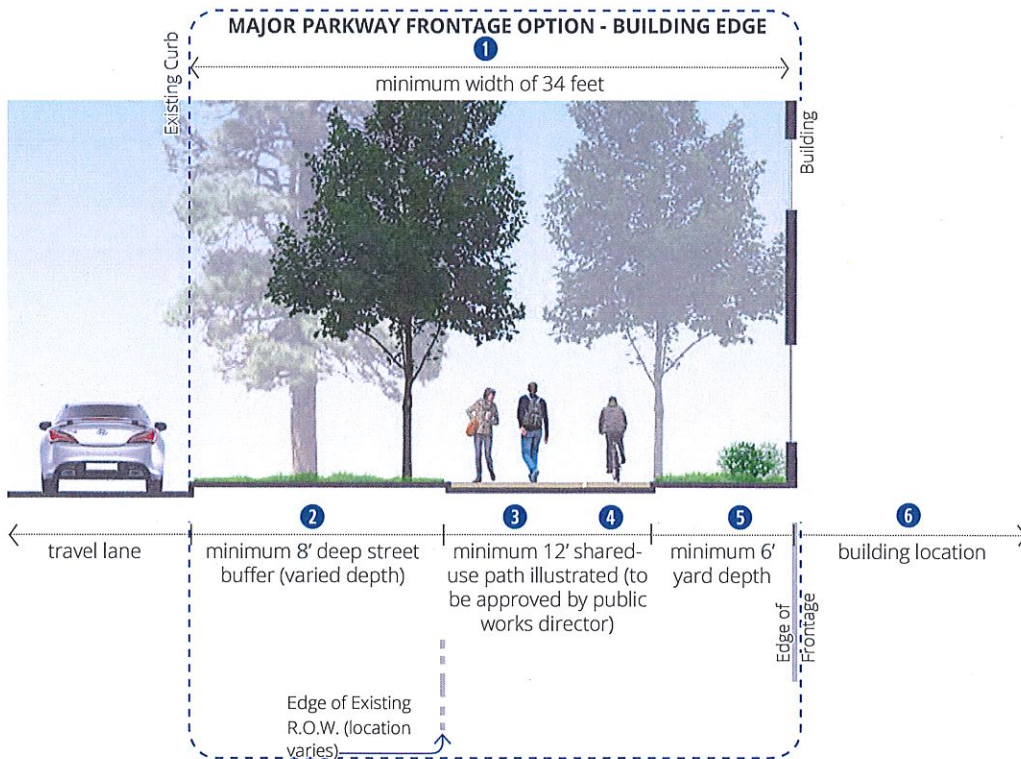


Figure 27-98-8 Major Parkway Frontage Option - Building Edge

27-98 Perimeter Center Overlay

Street Types

(6) Minor Parkway Street Type

The Minor Parkway Street Type applies to existing streets per Figure 27-98-2 Street Types Map and is available for new streets per public works director. Refer to Figure 27-98-9. Table of Minor Parkway Street Type Requirements and Figure 27-98-10 Minor Parkway Street Section - Existing and New.

- a. **New Minor Parkway Streets.** New Minor Parkway streets are not permitted, unless a minor exception is approved by the public works director.
- b. **Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Minor Parkway as designated on Figure 27-98-2 Street Types Map shall apply one or more of the Minor Parkway Street Frontage Options along the entire length

of the lot line abutting the Minor Parkway. Refer to Figure 27-98-11 Table of Minor Parkway Street Type Frontage Options.

- c. **Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. **Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-9: TABLE OF MINOR PARKWAY STREET TYPE REQUIREMENTS

Right-of-Way Width	Existing varies; 100' to 120' per public works director
Travel Lanes	2 to 4 lanes, 2 way
Lane Width	10' to 12' per public works director
Allowable Turn Lanes	Per public works director
Parking Lanes	Permitted only with public works director approval; Parallel only, 8' wide
Pavement Width	Existing, varies. Recommended median when crossing exceeds 32 feet in width.
Frontage Options	Refer to Figure 27-98-11 Table of Minor Parkway Street Type Frontage Options

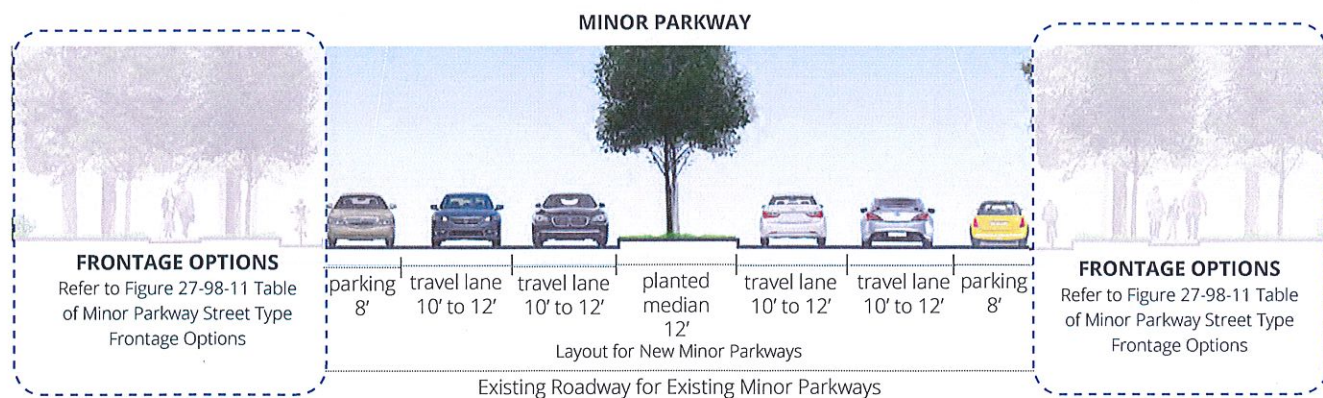


Figure 27-98-10 Minor Parkway Street Section - Existing and New

27-98 Perimeter Center Overlay

Street Types

FIGURE 27-98-11: TABLE OF MINOR PARKWAY FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-12	ACTIVE EDGE refer to FIGURE 27-98-13	BUILDING EDGE refer to FIGURE 27-98-14
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 34 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum 34 feet.		
2 Street Buffer	<p>Minimum Depth: Street buffer depth may be varied, at a minimum of 6 feet wide with average of 10 feet.</p> <p>Tree Plantings: Informal groupings of trees shall be spaced intermittently along the parkway, with the goal of shading the parkway sidewalk at maturity. Trees shall be spaced between 12 feet and 40 feet on center. The buffer shall consist of at least 5 canopy trees per every 100 feet of buffer.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 to 4 ratio of rise to run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>		
3 Sidewalk	A minimum 6 foot wide sidewalk is required and may meander between trees.		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.		
5 Yard Treatment	Minimum Depth: minimum 6 foot deep landscape or patio area is required.		
	Parking Screen is required. Refer to Figure 27-229 Landscape Screen Requirements.	Patio shall be clearly differentiated from sidewalk. Fencing may be required for alcohol service per city ordinance. For PC Districts, the portion of the building facade adjacent to the patio shall meet the primary street facade requirements.	no additional requirements
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Parkway Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.		

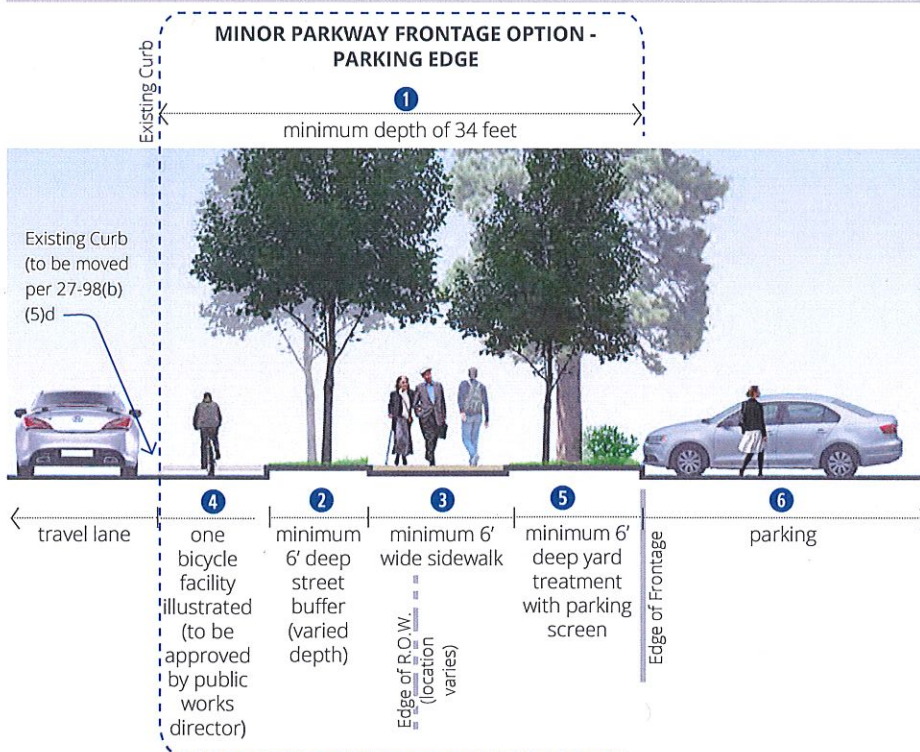


Figure 27-98-12 Minor Parkway Frontage Option - Parking Edge

27-98 Perimeter Center Overlay

Street Types

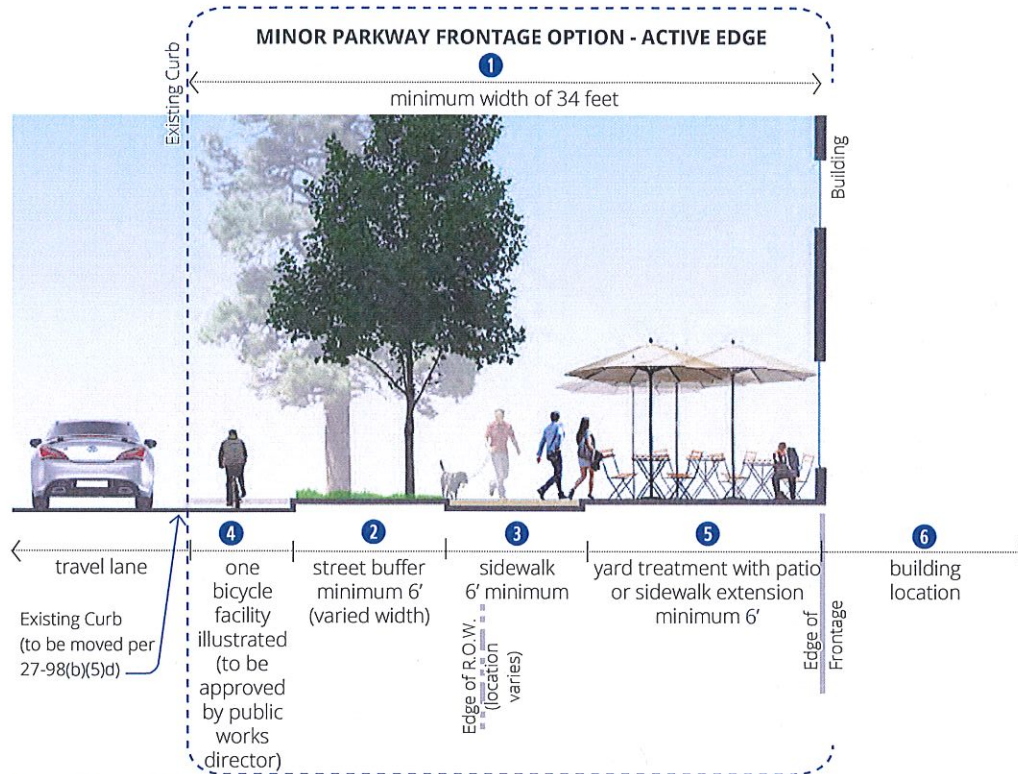


Figure 27-98-13 Minor Parkway Frontage Option - Active Edge

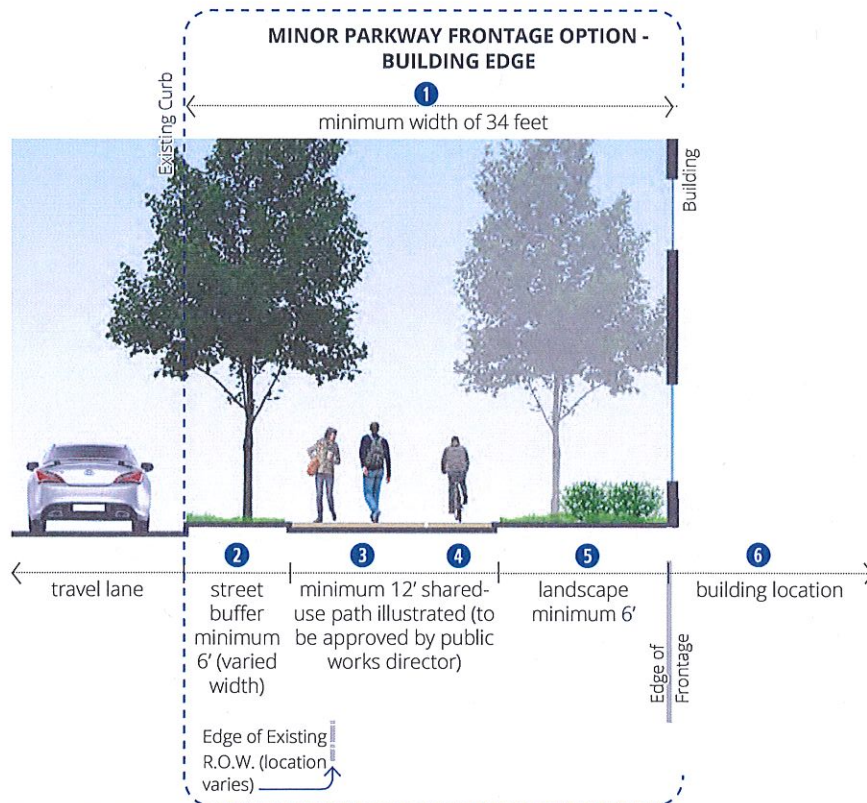


Figure 27-98-14 Minor Parkway Frontage Option - Building Edge

27-98 Perimeter Center Overlay

Street Types

(7) Primary Street Type

The Primary Street Type applies to new and existing streets per Figure 27-98-2 Street Types Map.

- a. **New Primary Streets.** Refer to Figure 27-98-15 Table of Primary Street Type Requirements for primary street type requirements for new streets, Figure 27-98-16 Primary Street Type Section: Typical illustrates the typical street section. A narrow version is available for limited application (refer to Figure 27-98-17 Primary Street Type Section: Narrow).
- b. **Frontage Options.** Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Primary Street as

designated on Figure 27-98-2 Street Types Map shall apply one or more of the Primary Street Frontage Options along the entire length of the lot line abutting the Minor Parkway. Refer to Figure 27-98-18 Table of Primary Street Frontage Options.

- c. **Dedication.** When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.
- d. **Curb Movement.** The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-15: TABLE OF PRIMARY STREET TYPE REQUIREMENTS

CONFIGURATION	TYPICAL refer to Figure 27-98-16	LIMITED NARROW refer to Figure 27-98-17
Permitted Location per Adjacent Zoning	any district	RM-HD, PC-4 Districts; use requires approval of public works director/community development director
Right-of-Way Width	66' to 100' per public works director	60' to 75' per public works director
Travel Lanes	2 lanes, 2 way	1 yield lane
Lane Width	10' to 12' per public works director	16' to 18' per public works director
Allowable Turn Lanes	Per public works director	Per public works director
Parking Lanes	Per public works director	Per public works director
Pavement Width	34' to 40'	32'
Frontage Options	Refer to Figure 27-98-18 Table of Primary Street Frontage Options	Yard Edge Frontage Option only

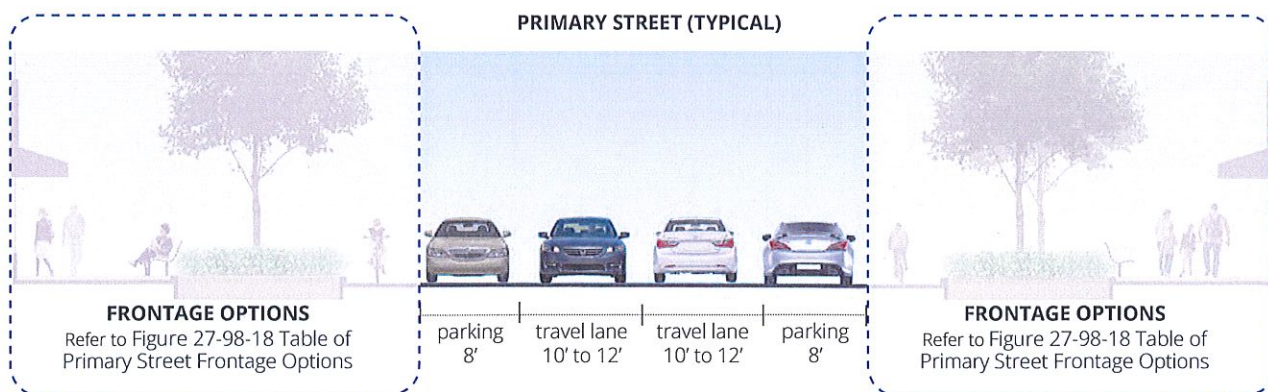


Figure 27-98-16 Primary Street Type Section: Typical

27-98 Perimeter Center Overlay

Street Types

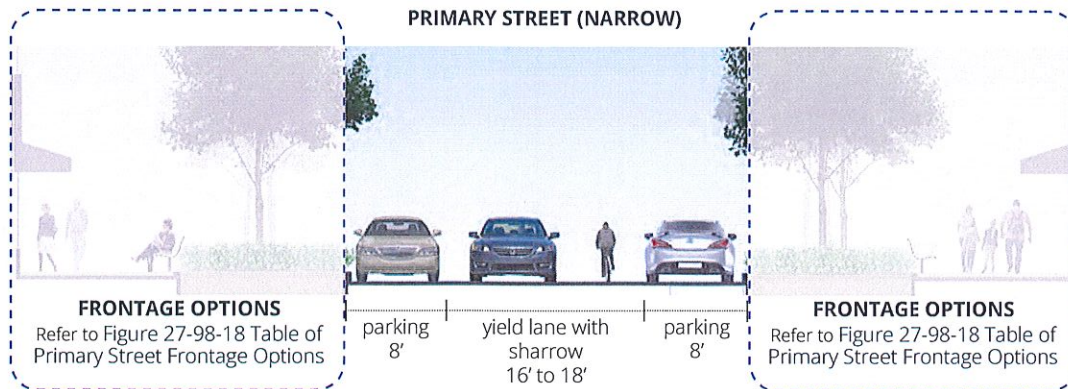


Figure 27-98-17 Primary Street Type Section: Narrow

FIGURE 27-98-18: TABLE OF PRIMARY STREET FRONTAGE OPTIONS					
	BUILDING EDGE refer to FIGURE 27-98-19	PARKING EDGE refer to FIGURE 27-98-20	YARD EDGE refer to FIGURE 27-98-21	COURTYARD/ PLAZA A OR B refer to FIGURE 27-98-22 OR FIGURE 27-98-23	DROP-OFF DRIVE EDGE refer to FIGURE 27-98-24
1 Minimum Depth of Frontage	24 feet	30 feet	16 feet	20 feet	20 feet
The minimum depth of the frontage shall be measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum overall depth defined above.					
2 Street Buffer	Minimum Depth: Street buffer depth shall be a minimum of 6 feet wide.				
	Tree Planting: Canopy trees spaced minimum 35' on center in planters or wells, either raised or at grade, with access through planters to street, minimum every 60'.		Minimum of one tree per 30 linear feet of frontage, spaced equally or informally		
	Grade changes may be accommodated within the street buffer with slopes no greater than 1 ft of rise in 3 ft run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 18 inches. Steps may also be incorporated.				
3 Sidewalk	Minimum 10' wide clear paved sidewalk with furnishings		Minimum 6' wide sidewalk		
4 Bicycle Facilities	A separated, dedicated bicycle facility is required consisting of an on-street buffered bicycle lane, dedicated cycle track, or shared-use path (a minimum width of 12') per public works director.				
5 Yard Treatment	Build-to Zone is directly adjacent to sidewalk	Minimum 5' landscape area is required to screen parking. Minimum 24" wide shrubs required 30" o.c.	yard depth determined PC Districts: by build-to zone of Building Type. Zoning District: by building setback	30' to 60' deep courtyard or plaza permitted with maximum of 30% of frontage in PC-2 and PC-3, maximum of 10% of frontage in PC-1	minimum 5' buffer; maximum 30' deep drop-off drive is permitted. maximum of 20% of frontage
6 Building & Parking Location	Article II. Zoning Districts for setback line or 27-105 Building Types for Primary Street Frontage requirements for allowable widths of parking along the frontage and required building facades along the frontage.				

27-98 Perimeter Center Overlay

Street Types

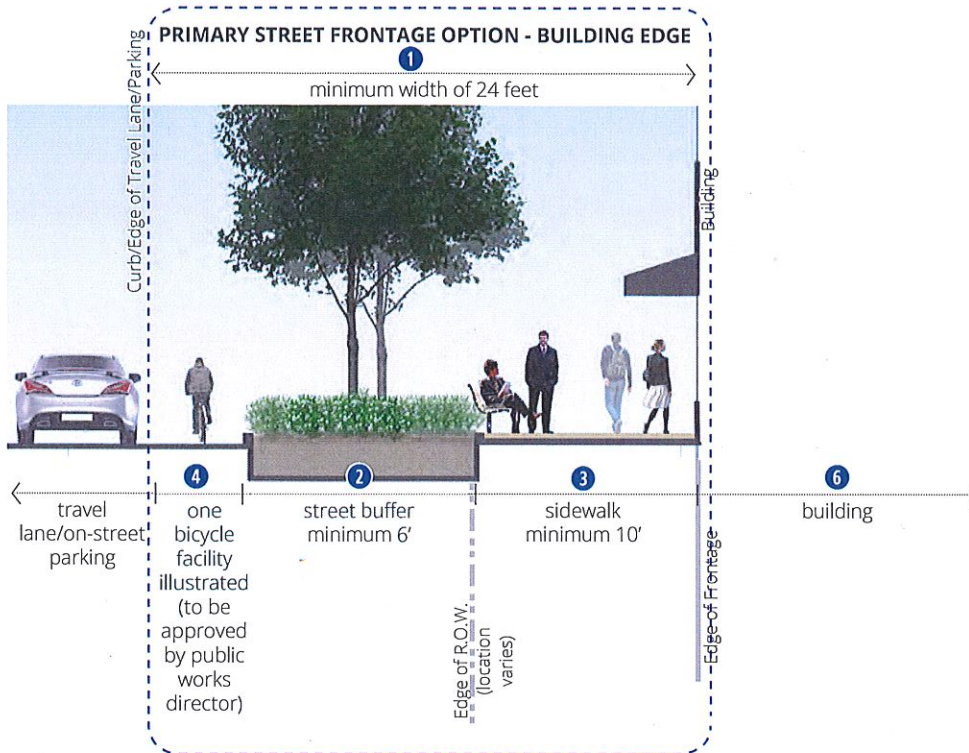


Figure 27-98-19 Primary Street Frontage Option - Building Edge

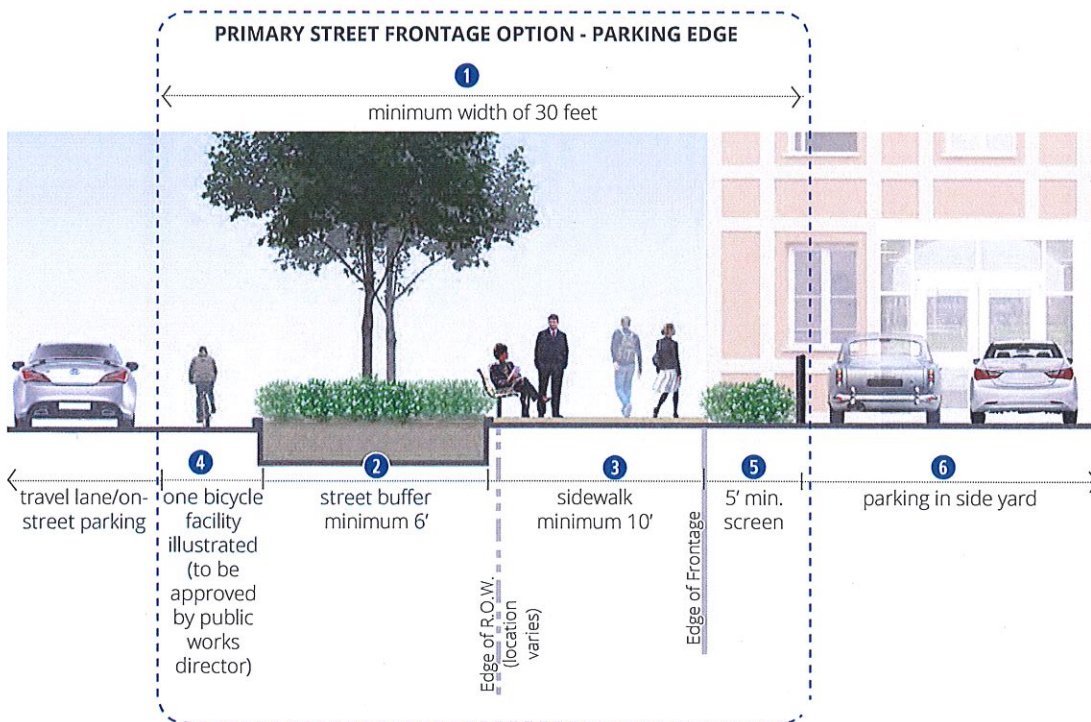


Figure 27-98-20 Primary Street Frontage Option - Parking Edge

27-98 Perimeter Center Overlay

Street Types

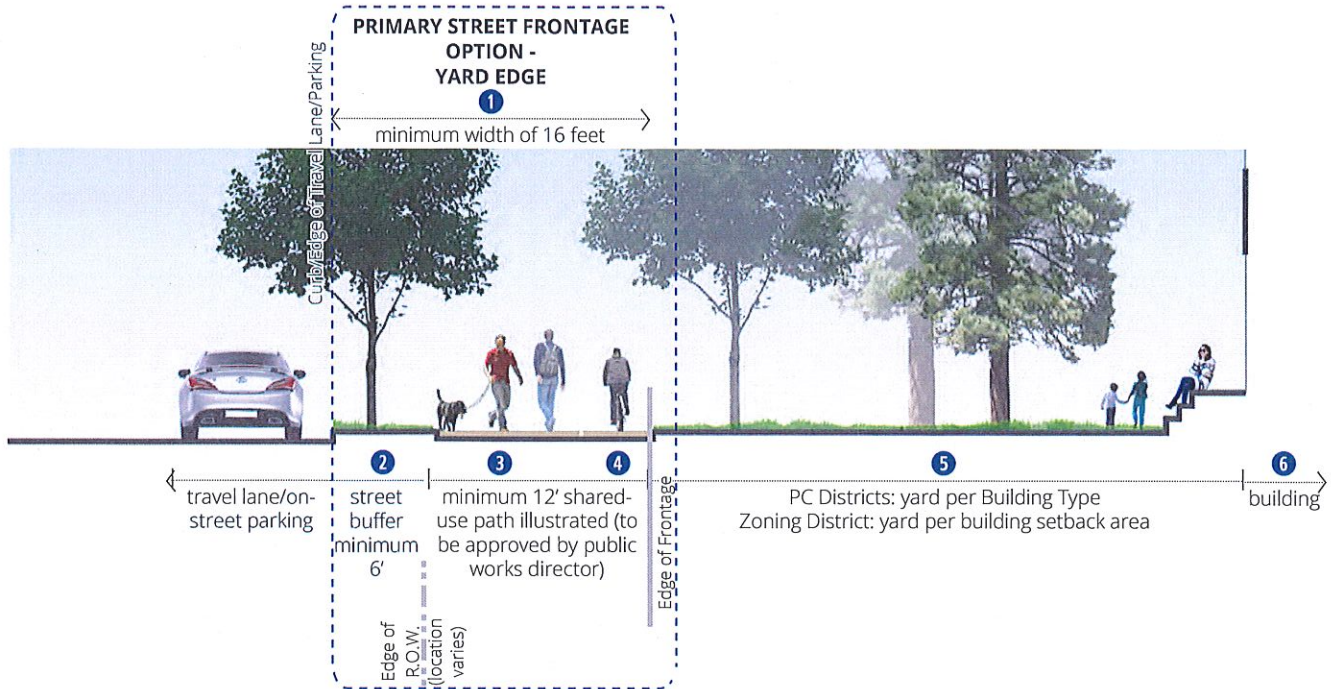


Figure 27-98-21 Primary Street Frontage Option - Yard Edge

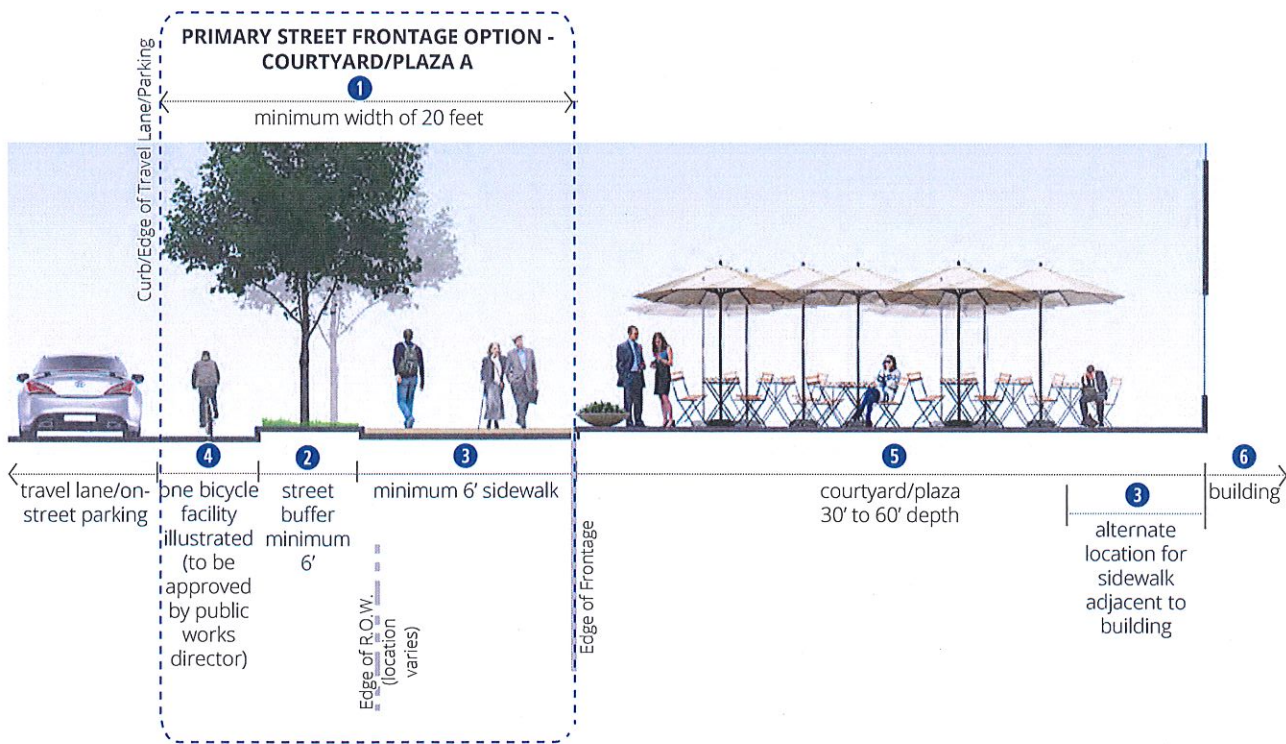


Figure 27-98-22 Primary Street Frontage - Courtyard/Plaza A

27-98 Perimeter Center Overlay

Street Types

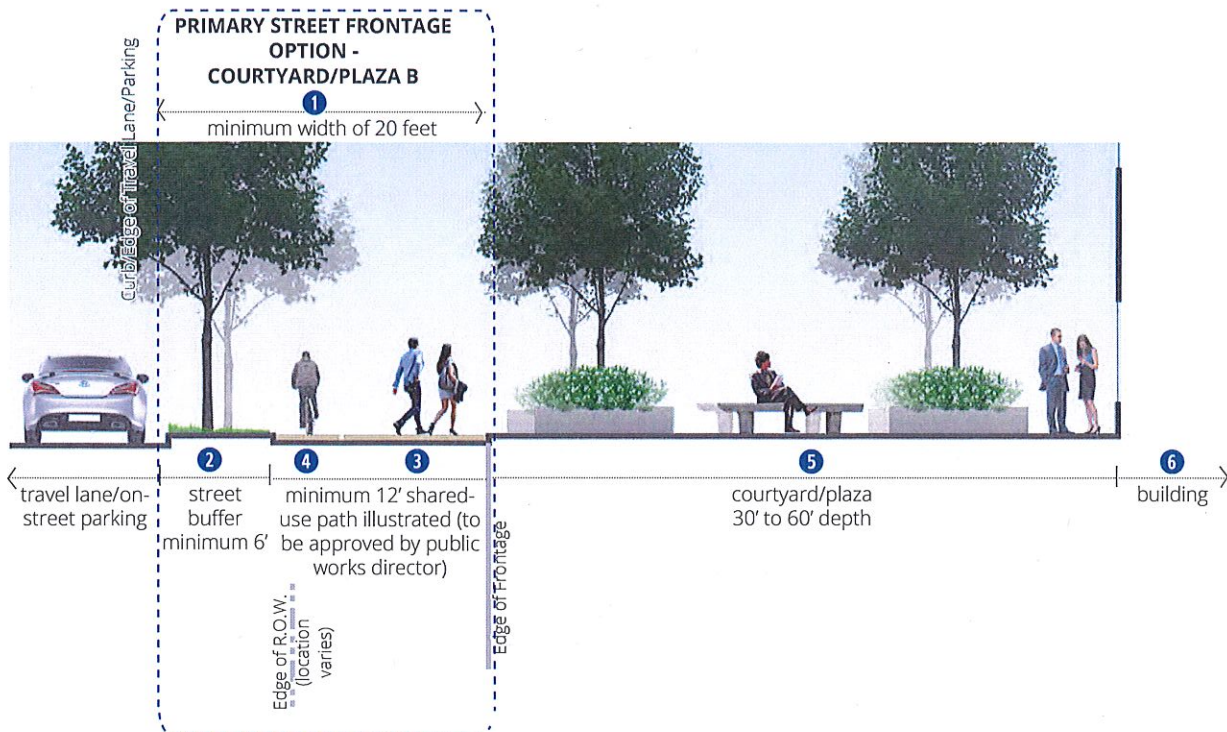


Figure 27-98-23 Primary Street Frontage Option - Courtyard/Plaza B

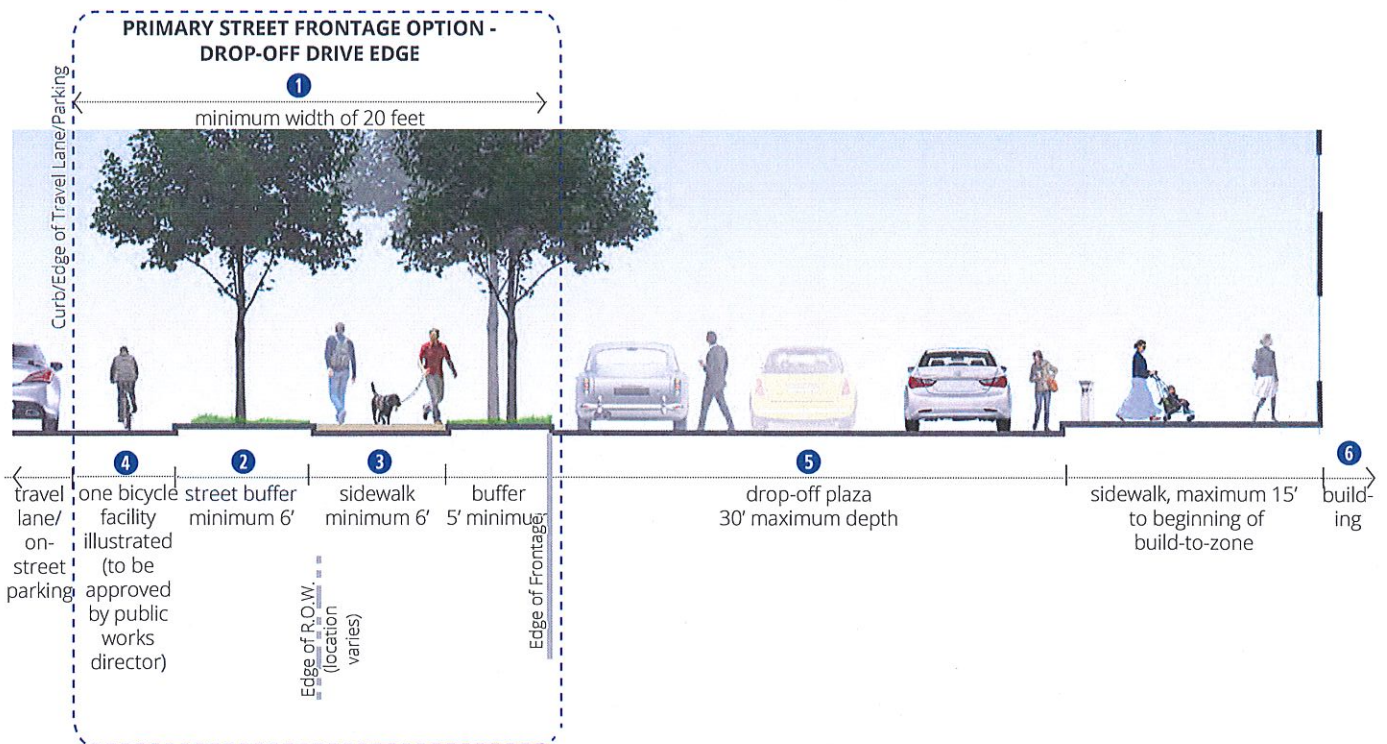


Figure 27-98-24 Primary Street Frontage Option - Drop-off Drive Edge

27-98 Perimeter Center Overlay

Street Types

(8) Secondary Street Type

The Secondary Street Type applies to new and existing streets per Figure 27-98-2 Street Types Map.

a. New Secondary Streets. Refer to Figure 27-98-25 Table of Secondary Street Type Requirements for Secondary Street Type requirements for new streets, Figure 27-98-26 Secondary Street Type Section - Typical illustrates the typical street section. A narrow version is available for limited application (refer to Figure 27-98-27 Secondary Street Type Section - Narrow).

b. Frontage Options. Frontages address the pedestrian and bicycle realm as well as street & parking buffers and public space options. Parcels that are adjacent to a Secondary Street as designated on Figure 27-98-2 Street Types Map, shall apply one or more of the Secondary

Street frontage options along the entire length of the lot line abutting the Secondary Street. Refer to Figure 27-98-28 Table of Secondary Street Frontage Options.

c. Dedication. When the sidewalk is fully or partially located on private property, right-of-way dedication is required, so that the sidewalk is fully located in the right-of-way. The public works director may approve an easement in lieu of right-of-way dedication based on the geometry of the site, topography, or other site-specific considerations.

d. Curb Movement. The existing street curb may be required to move, based on the selection of the appropriate, context sensitive bicycle facility, per the public works director.

FIGURE 27-98-25: TABLE OF SECONDARY STREET TYPE REQUIREMENTS

CONFIGURATION	TYPICAL refer to Figure 27-98-26	LIMITED NARROW refer to Figure 27-98-27
Permitted Location per Adjacent Zoning	any district	RM-HD, PC-4 Districts; use requires approval of public works director/community development director
Right-of-Way Width	66' to 100' per public works director	60' to 75' per public works director
Travel Lanes	2 lanes, 2 way	1 yield lane
Lane Width	10' to 12' per public works director	16' to 18' per public works director
Allowable Turn Lanes	Per public works director	Per public works director
Parking Lanes	Per public works director	Per public works director
Pavement Width	34' to 40'	32'
Frontage Options	Refer to Figure 27-98-28 Table of Secondary Street Frontage Options	

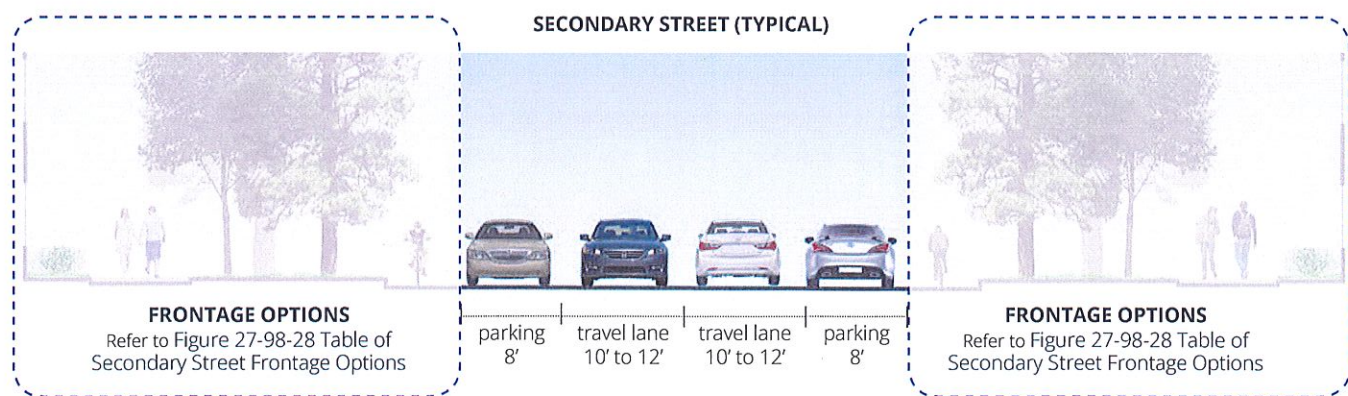


Figure 27-98-26 Secondary Street Type Section - Typical

27-98 Perimeter Center Overlay

Street Types

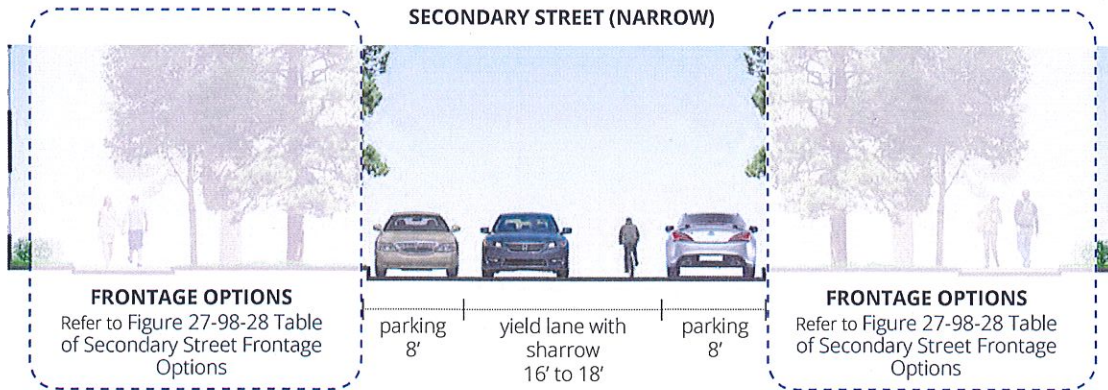


Figure 27-98-27 Secondary Street Type Section - Narrow

FIGURE 27-98-28: TABLE OF SECONDARY STREET FRONTAGE OPTIONS

	PARKING EDGE refer to FIGURE 27-98-29	YARD EDGE refer to FIGURE 27-98-30
1 Minimum Depth of Frontage	The minimum depth of the frontage shall be 20 feet measured from existing curb. Minimum depths of components shall be met; additional areas shall be added to any component to meet the minimum overall depth.	
2 Street Buffer	<p>Minimum Depth: Street buffer width shall be a minimum of 6 feet wide.</p> <p>Tree Plantings: A minimum of one tree for every 300 square feet of buffer shall be provided, spaced evenly or informally.</p> <p>Grade: Grade changes may be accommodated within the street buffer with slopes no greater than 1 ft of rise in 4 ft run. Retaining walls may be incorporated to meet these grades, but shall be no taller than 3 feet.</p>	
3 Sidewalk	A minimum 6 foot wide sidewalk is required and may meander between trees.	
4 Bicycle Facilities	Shared, on-street bicycle facilities	
5 Yard Treatment	A minimum 8' screen is required between parking and the sidewalk. The screen shall include a canopy tree every 30 feet of frontage, spaced evenly or informally, and a double row of shrubs, minimum 24" in height and width at maturity, staggered and spaced 24" on center.	A minimum 5' deep landscape yard is required, with a minimum of 30 shrubs, perennials, and/or grasses for every 500 square feet of yard area.
6 Building & Parking Location	Refer to Article II. Zoning Districts for setback line or 27-105 Building Types for Secondary Frontage Options requirements for allowable widths of parking along the frontage and required building facades along the frontage.	

27-98 Perimeter Center Overlay

Street Types

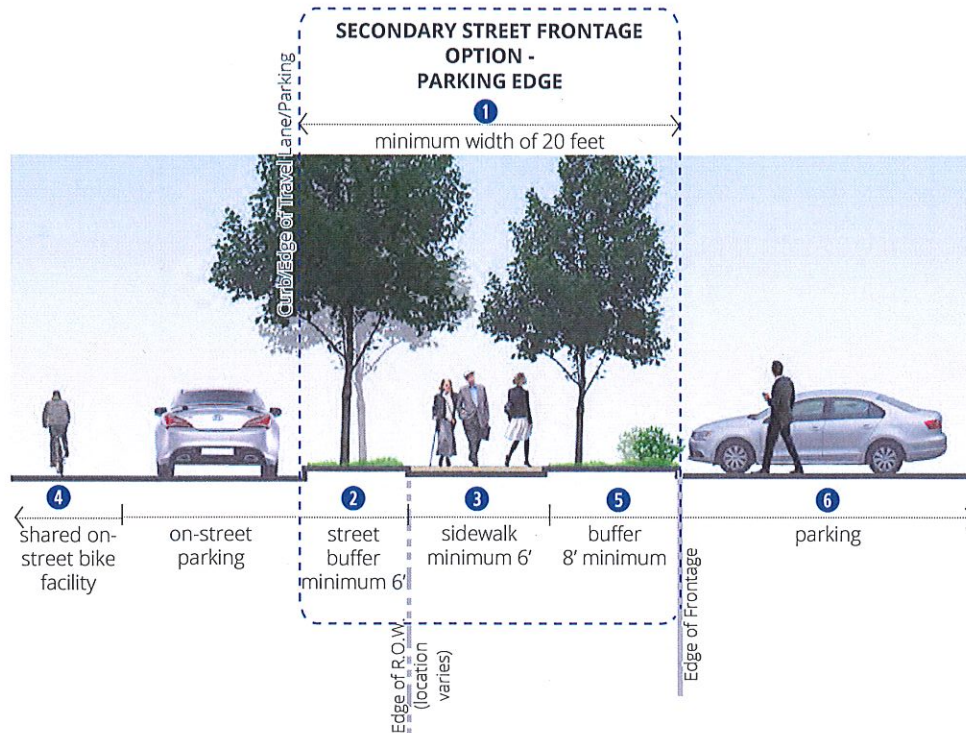


Figure 27-98-29 Secondary Street Frontage Option - Parking Edge

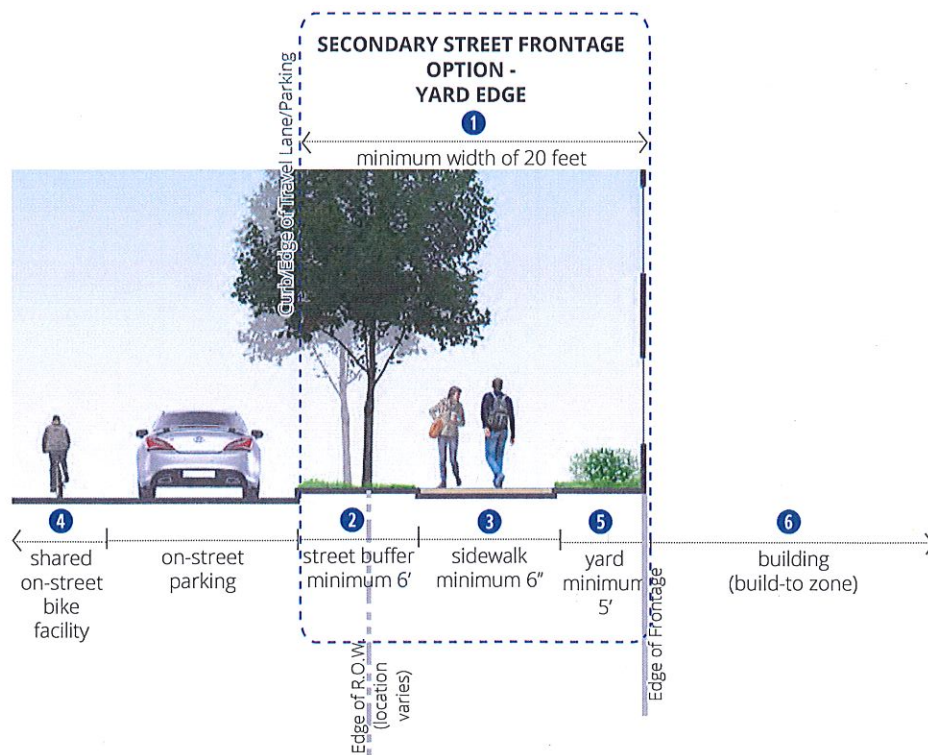


Figure 27-98-30 Secondary Street Frontage Option - Yard Edge

27-98 Perimeter Center Overlay

Streets & Blocks

(c) Streets & Blocks

(1) Intent

The intent of the following requirements is to form an interconnected network of streets with multiple intersections and block sizes scaled to support multiple modes of transportation, including walking, biking, transit use, and driving, within the Perimeter Center Overlay area. Also refer to Chapter 16 for additional regulations.

(2) Applicability

All new development and redevelopment on site 5 acres or larger within the Perimeter Center Overlay shall meet the general block, lot, and street design requirements under any of the following circumstances:

- a. **New Structure.** Development of a new principal structure on a lot or portion of a lot.
- b. **Redevelopment or Renovation.** Redevelopment or renovation to an existing structure or site that increases the gross building square footage by more than 50 percent.
- c. **Parking Lots.** Redevelopment or revision to 50 percent or more of an existing parking lot or development of a new parking lot consisting of 15 or more spaces, not including resurfacing or repairing an existing layout.

(3) New Street Locations.

- a. **Street Types Map.** Proposed street locations are illustrated on Figure 27-98-2 Street Types Map, defined to establish a network that would fulfill the Streets & Blocks intent and regulations.
- b. **Public Works Director.** Locations illustrated on the Street Types map are approximate. The requirements and locations of all streets shall be determined by and approved by the public works director during the Site Plan review process.

(4) Street Connectivity.

The following provides requirements and guidance for locating new streets and connecting to surrounding context.

- a. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new developments.
- b. Cul-de-sac and dead end streets should be avoided and utilized only when topography and

other existing barriers, such as highways, rail lines, or waterways, prevent street connectivity.

- c. Streets should follow natural features rather than interrupting or dead-ending at the feature.
- d. Streets should terminate at another street with either open space or a building facade across from the termination.
- e. When adjacent developments do not provide connectivity, coordinate with the community development director and public works director to determine the potential for future connections and provide for those connections.

(5) Block Configuration

Refer to Figure 27-98-31 for an illustration of Typical Block Elements and section 16-240 for Blocks.

- a. Blocks should be deep enough to accommodate buildings facing streets with parking located in the interior. Refer to 27-98(b) Street Types for minimum building frontages required for all streets.
- b. Blocks may be configured to include existing lots within an existing zoning district that is outside of the Perimeter Center Overlay.

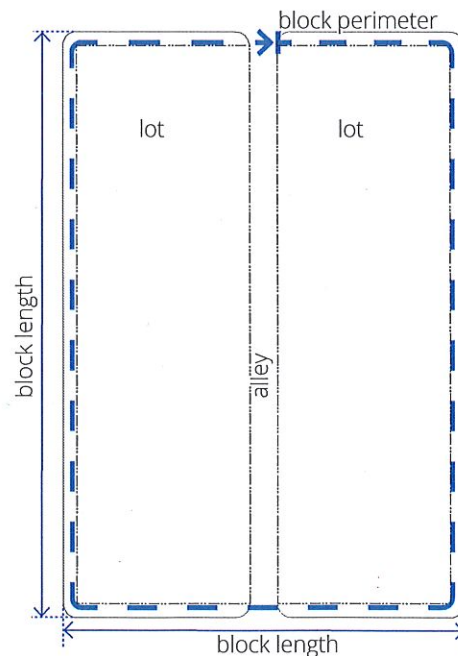


Figure 27-98-31 Typical Block Elements

27-98 Perimeter Center Overlay

Streets & Blocks

- c. A network of streets is required to meet the maximum block size requirement. Proposed new streets to meet these sizes are illustrated on Figure 27-98-2 Street Types Map.
- d. **Block Sizes for Zoning Districts.** Block sizes for residential and commercial development and redevelopment are designated in section 16-240.
- e. **Block Sizes for Perimeter Center (PC) Districts.** Maximum block perimeter for all PC Districts is 2400 feet. Recommended block perimeter is a maximum of 1800 feet.
- f. **Exceptions.** Exceptions to block sizes include locations adjacent to natural features, such as steep grades and drainage areas, and other existing barriers, such as an inability to connect to adjacent parcels.

(6) Block Driveway Access Configurations

- a. Blocks may include alleys, drives, or driveway entrances for service, parking accessibility, and other routes internal to the development.
- b. Access to blocks should be aligned across the street from access to other blocks.
- c. In the Perimeter Center districts, driveway locations are defined in the general Building Type requirements. Refer to 27-105(a)(10) Driveways.
- d. **Mid-Block Pedestrianways.** Mid-Block pedestrianways are required through blocks longer than 800 feet and at locations that connect public rights-of-way with other public facilities such as parks and transit.
 - 1. When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
 - 2. Mid-block pedestrianways should be located in the middle third of a block face.
 - 3. Minimum width for mid-block pedestrianways rights-of-way or easements is 20 feet.
 - 4. A minimum of 1 canopy tree per 600 square feet of area is required.
 - 5. Mid-block pedestrianways should be treated with the minimum design requirements per 27-98(b)(4) Streetscape Furnishings & Hardscape Design.
- 6. Shared-use paths through blocks per 27-98(b)(3)d may fulfill the requirements for Mid-Block Pedestrianways.

(7) Street Types

Refer to 27-98(b) Street Types for requirements for streets.

- a. **Street Type.** All new and existing streets shall utilize one of the permitted Street Types per Figure 27-98-2 and the requirements of 27-98(b) Street Types.
- b. **Frontage Options.** For each side of a street adjacent to or within the development, one of the frontage options defined by Street Type shall be utilized.
- c. **Other Internal Street.** Other street types completely internal to the development may be approved by the public works director and the community development director through minor exception.
- d. **Public Use.** All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.
- e. **Dimensions.** The dimensions defined in each Street Type provide the acceptable ranges. The public works director shall determine the appropriate configuration and dimensions for each street. Minor exceptions may be approved by the public works director during the approval process.
- f. **Additional Director Requirements.** During the Pre-Submittal Conference, the community development director and/or public works director may adjust requirements for right-of-way, pavement width, or street elements depending on unique site locations and characteristics.
- g. **Street Construction.** All street construction, whether publicly dedicated or privately held, shall follow Street Type and Frontage requirements and any other specifications defined by the City.
- h. **Private Streets.** Private streets that prevent street connectivity or are inconsistent with adopted plans shall not be permitted.

27-98 Perimeter Center Overlay

General Building Design Criteria

(d) General Building Design Criteria

(1) Intent. These criteria are intended to address each building's appearance and cohesiveness within the overall Perimeter Center Overlay area. Further, the criteria are intended to elicit high quality buildings, enhance the pedestrian experience, maintain an appropriate scale, and implement the vision for the area as defined in current plans.

(2) Applicability. The following outlines the general design criteria applicable to all buildings within the Perimeter Center Overlay.

a. Applicable Facades. These criteria apply to all facades visible from the street, facing streets, facing main parking lots, and adjacent to open spaces, unless otherwise noted.

b. Applicable Development Sites. All new development and redevelopment within the Perimeter Center Overlay shall meet the general building design requirements under any of the following circumstances:

1. **New Structures & Additions.** Development of a new principal structure or additions to a principal structure on a lot or a portion of a lot.
2. **Existing Façade Renovation.** An alteration to an existing structure that includes renovation of more than 50 percent of an applicable facade.

(3) Materials.

a. Major Facade Materials. Major facade materials include high quality, durable, finish materials, such as brick, stone, and glass. Other high quality materials may be approved by the Director of Community Development during the site plan process. A minimum of 80 percent of each facade shall be constructed of major materials. Street facade materials shall continue around the corner of the building to non-street-facing facades a minimum depth of 20 feet. Refer to Figure 27-98-32 Major Materials.

b. Minor Materials. Acceptable high quality minor facade materials include all major materials; cement-based stucco; wood lap siding and shingles; architectural metal siding; architecturally finished concrete; fiber cement siding or shingles (such as Hardie Company products or similar); synthetic stucco/EIFS (see restrictions below); glass block; split-faced, burnished, glazed, or honed concrete masonry



Major Materials: Brick, stone



Major Materials: Glass, concrete

Figure 27-98-32 Major Materials

27-98 Perimeter Center Overlay

General Building Design Criteria

units (CMU), cast stone concrete elements. No more than 20 percent of each facade shall consist of minor materials.

c. Accent Materials. The following materials may be used for trim, details, soffits, eaves, and other accent areas: vinyl; aluminum and other durable metals; and metal for beams, lintels, trim, and ornamentation. Other materials may be approved by the Director of Community Development during the site plan process.

d. Restrictions.

1. The use of plain CMU block and vinyl are prohibited as a facade material.
2. Synthetic stucco (EIFS) used on the first or second floor of a building shall be a "high-impact" system. Conventional EIFS may be used above the second floor.

e. Roof Materials. Wherever asphalt shingles are used, they shall be a minimum 3-dimensional architectural type.

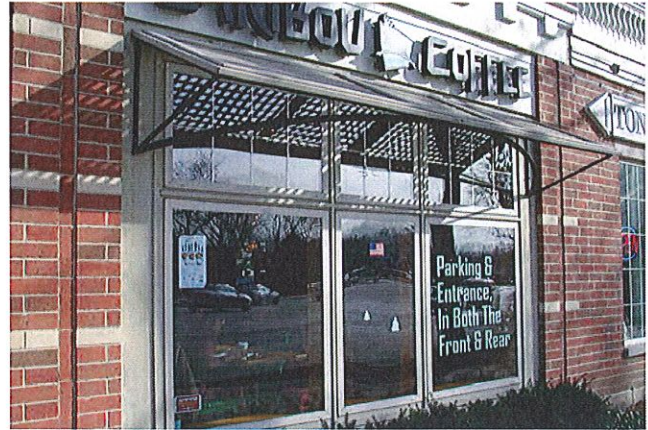
(4) Windows, Awnings, and Shutters

a. Quantity of Windows. A minimum of 15 percent window coverage is required per story on all street facing facades and any facade visible from a street.

1. **Measurement.** Window requirements are measured as a percentage of the facade per floor.
2. **Blank Walls.** Windows shall be distributed so that no rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 30 feet in width is windowless and violates the minimum percentage requirements.

b. Transparent Glass. All window glass shall be highly transparent with low reflectance. Light transmission should be approximately 60 percent for ground story windows and a minimum of 55 percent for upper story windows.

c. Awnings. All awnings shall be canvas or metal. Plastic awnings are prohibited. Awnings shall not be translucent. Refer to Figure 27-98-33 Awnings.



Permitted Awnings: Metal



Permitted Awnings: Canvas

Figure 27-98-33 Awnings

27-98 Perimeter Center Overlay

General Building Design Criteria



Figure 27-98-34 Examples of Ground Story along Slope.

d. Shutters. If installed, shutters, whether functional or not, may be designed to the following standards:

1. All shutters should be sized for the windows, so that if the shutters were to be closed, they would not be too small for complete coverage of the window.
2. Shutters should be wood, metal, or fiber cement. Other "engineered" woods may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.

(5) Garage Doors. The following requirements apply to garage doors provided on any street facade.

- a. Location.** Garage doors are not permitted on Primary Street facades unless not utilized for vehicular access (but for patio access, open air dining). Garage doors are permitted on Secondary Street Facades with direct access to the street. The preferred location is on interior lot facades.
- b. Recessed from Facades.** Garage Doors located on street facing facades shall be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.
- c. Design.** Garage doors facing a Secondary Street and intended to be closed during business hours shall be clad with materials consistent with the design of the building. Carriage-style doors are required on the Townhouse and Detached House Building Type.

(6) Ground Story at Sloping Facades

- a. Intent.** Given the slopes in many parts of the Perimeter Center area, building design must accommodate grade changes along the sidewalk without creating tall, out-of-scale blank walls. Large, unarticulated building facades signal to pedestrians that an area is not intended for walking, reducing activity in the area and creating dead zones. Refer to Figure 27-98-34 Examples of Ground Story along Slope.
- b. Regulations for Shopfronts.**
 1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.

27-98 Perimeter Center Overlay

General Building Design Criteria

2. Unless impracticable, the interior floor level should step to match the exterior grade.
3. If it is necessary for the interior floor to remain constant along the grade, changes may be accommodated by a storefront window display space.
4. Knee wall and retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of facade length.
5. If grade change is more than 12 feet along a single block face, entrance requirements may be increased to one entrance per 80 feet of building frontage.
6. Building entrances adjacent to the street should be within 3 feet of the elevation of the adjacent sidewalk, unless utilizing the PC District building types.

c. Regulations for Residential and other Building Frontages.

1. Grade transitions at the building along the sidewalk should be designed to minimize blank walls.
2. Unless impracticable, the interior floor level should step to match the exterior grade.
3. Multiple front entrances along the street activate each segment of building section at each grade.
4. Transition zones between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
5. If it is necessary for the interior floor to remain constant along the grade, changes can be accommodated by terraced planters and retaining walls.
6. Retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of frontage.
7. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations.

(7) Fueling Stations

Refer to Figure 27-98-35 Recommended Gas Station Layout for one illustration of the following criteria.

- a. **Building Location.** A principal building should be built up to any corner with the longest facade along any Primary Street. If no Primary Street abuts the parcel, along the Parkway Facade.
- b. **Side Yard Parking.** One double loaded aisle of parking is permitted on the interior side along a Primary Street, perpendicular to the street.
- c. **Pumps and Canopy Location.** The pumps and canopy may be located on the interior of the parcel, but may have driveways to a street.
- d. **Building Build-to Zone.** A building should be built to within 5 feet to 15 feet of the edge of the Street Type frontage.
- e. **Building Facade Design.** The facade of all buildings shall meet all general design criteria within this section, 27-98(d) General Building Design Criteria.
- f. **Canopy Design.** The canopy, columns, and structure shall be constructed substantially of the same materials utilized on the building.
- g. **Pavement.** Site paving shall consist of maximum 22 foot driveways and lanes along parking and along pumps. All other areas shall be landscaped.
- h. **Frontage.** A maximum of 50 percent of the frontage may be used for parking and fuel areas.

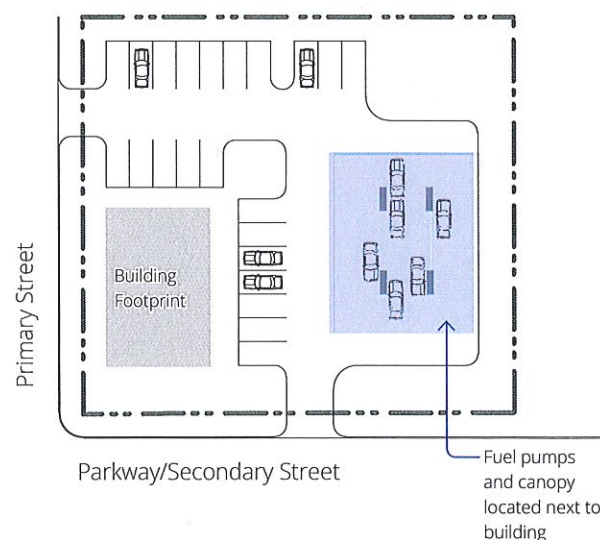


Figure 27-98-35 Recommended Gas Station Layout

27-98 Perimeter Center Overlay

General Building Design Criteria

(8) Accessory Drive-through Structures

Refer to Figure 27-98-36 Recommended Drive-Through Facility Layout for one illustration of the following requirements.

- a. **Structure/Canopy.** Drive-through structures or canopies shall be located on the rear or side facade of the building or in the rear of the lot behind the building, where permitted by use. The structure should not be visible from any Primary Street.
- b. **Stacking Lanes.** Stacking lanes shall be located perpendicular to the Primary Street or behind the building.
- c. **Canopy Design.** The canopy, columns, and structure shall be constructed substantially of the same materials utilized on the building.

(9) Parking Structures Fronting a Street

The following requirements are provided for parking structures fronting a Secondary Street or Parkway.

- a. **Primary Streets.** Parking structures, whether accessory or principal use, shall not front a Primary Street, unless otherwise approved with Special Land Use Permit per Article V, Division 3.
- b. **Perimeter Center Districts.** In the Perimeter Center (PC) Districts, parking structures as the principal use on the lot require a special land use permit (refer to Article V, Division 3 Special Land Use Permits).
- c. **Parking Structure Design Requirements.**
 1. **Blank Wall Limitations.** On any street facade, no rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.
 2. **Pedestrian Entry.** A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the entry is enclosed, windows are required to meet a transparency rate of 65 percent.
 3. **Structures along Highways.** Structured parking located along highways shall incorporate architectural elements (e.g. trellises, planters, landscape, panels) that provide visual screening of vehicles and interior lighting.

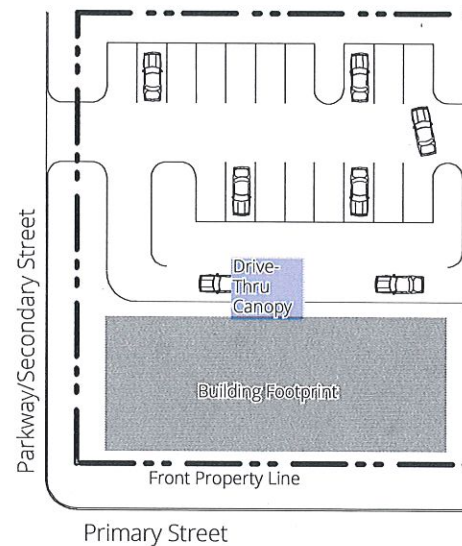


Figure 27-98-36 Recommended Drive-Through Facility Layout

#4.

27-98 Perimeter Center Overlay

General Building Design Criteria

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.

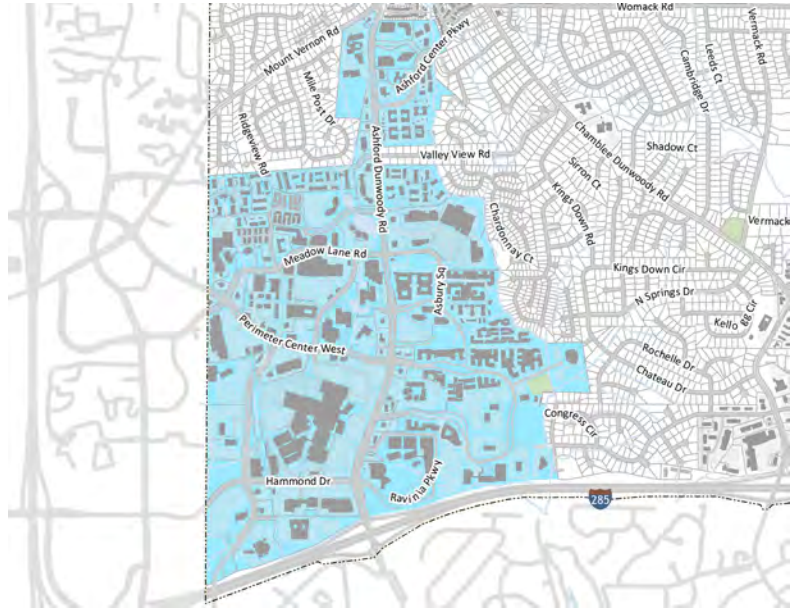


FIGURE 13: Perimeter Center Character Area Map

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.

AMENDMENT APPLICATION



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

* Applicant Information:

Company Name:	Branch Acquisition Company, LLC c/o The Galloway Law Group, LLC		
Contact Name:	Laurel David		
Address:	3500 Lenox Road NE, Suite 760, Atlanta, GA 30326		
Phone:	404-965-3680	Fax:	404-965-3670
Email:	laurel@glawgp.com		
Pre-application conference date (required):			

* Owner Information: ☐ Check here if same as applicant

Owner's Name:	RB 84 PC, LLC, c/o Bruce Balderson, Jr.		
Owner's Address:	Rubenstein Partners, Cira Centre 2929 Arch Street, 28th Floor Philadelphia, PA 19104-2868		
Phone:	215-399-4480	Fax:	
Email:	rbbalderson@rubensteinpartners.com		

* Property Information:

Property Address:	84, 130, and 140 Perimeter Center East, Dunwoody, GA 30346		
Parcel ID:	18 347 01 013; -021; -028		
Current Zoning Classification:	C-1		
Requested Zoning Classification:	C-1		

* Applicant Affidavit:

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

Applicant's Name:	Branch Acquisition Company, by Jack T. Haylett as Senior Vice President		
Applicant's Signature:			Date: 5/31/17

* Notary:

Sworn to and subscribed before me this	31 st	Day of	MAY	, 20	17
Notary Public:	MARIANNE BOGGS				
Signature:					
My Commission Expires:	5-22-18				



Additional Property Owner(s) Notarized Certification



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

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

* Property Owner (If Applicable):

Owner Name: <u>RB 84 PC, LLC, c/o Bruce Balderson, Jr.</u>	
Signature: <u>[Signature]</u>	Date: <u>5/31/17</u>
Address: <u>Rubenstein Partners, Cira Centre 2929 Arch Street, 28th Floor Philadelphia, PA 19104-2868</u>	
Phone: <u>215-399-4480</u>	Fax: _____ Email: <u>rbbalderson@rubensteinpartners.com</u>
Sworn to and subscribed before me this <u>31</u> Day of <u>May</u> , 20 <u>17</u>	
Notary Public: <u>Sarah E Turowski</u>	

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
 Sarah E. Turowski, Notary Public
 City of Philadelphia, Philadelphia County
 My Commission Expires Sept. 29, 2018
 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

* Property Owner (If Applicable):

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

* Property Owner (If Applicable):

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

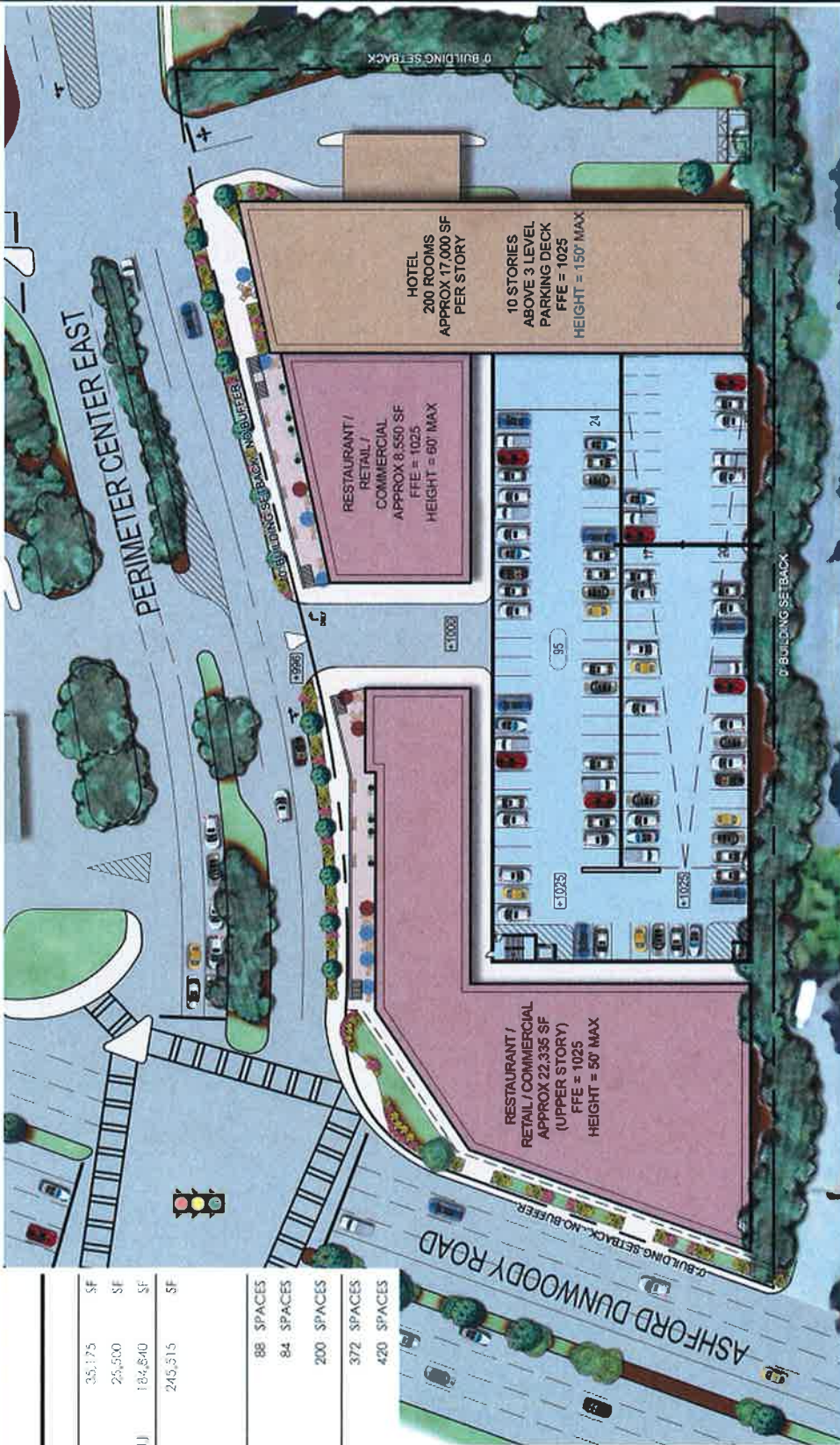
DATA TABLE

BUILDING SUMMARY

RETAIL	35,175	SF
RESTAURANT	25,500	SF
HOTEL (10 LEVELS + LOBBY + MIDLEVEL)	184,840	SF
TOTAL PROJECT AREA	245,315	SF

PARKING SUMMARY

RETAIL (2,5/1000SF)	88	SPACES
RESTAURANT (3,3/1000SF)	84	SPACES
HOTEL PARKING (250 ROOMS AT 1.0/ROOM)	200	SPACES
TOTAL PARKING REQUIRED	372	SPACES
TOTAL PARKING PROVIDED	420	SPACES



CLIENT



BRANCH
PROPERTIES, LLC
3340 PEACHTREE ROAD, SUITE 840
ATLANTA, GA. 30326
(404) 832-8900

PROJECT

BRANCH PERIMETER CENTER EAST

JOB NUMBER

1717701

BY

MJM/EAR

DRAWING

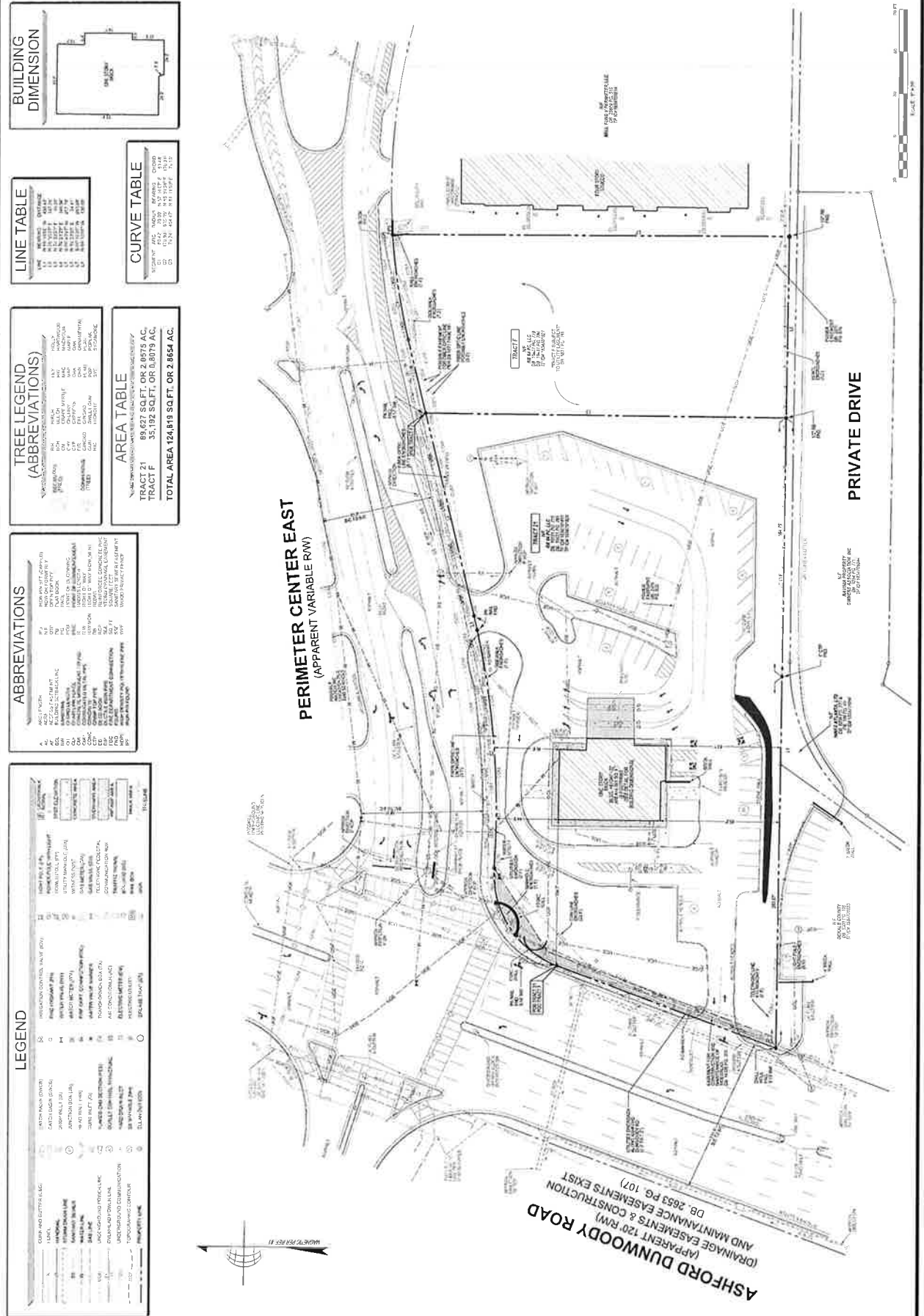
SP-04 - COLOR RENDER



PHILLIPS
THE PHILLIPSES
5500 PEACHTREE DUNWOODY RD
BUILDING A, SUITE 400
ATLANTA, GA 30326
770.384.1616

ALTA/NSPS LAND TITLE SURVEY
FOR
BRANCH ACQUISITIONS, LLC & FIRST
AMERICAN TITLE INSURANCE COMPANY
LOCATED IN
LAND LOT 347, 18TH DISTRICT
DEKALB COUNTY, GEORGIA

	How far do you think you will walk to work?	0-1000	20%	very
		1000-2000	20%	very
		2000-3000	20%	very
		3000-4000	20%	very
		4000-5000	20%	very
		5000-6000	20%	very
		6000-7000	20%	very
		7000-8000	20%	very
		8000-9000	20%	very
		9000-10000	20%	very
		10000+	20%	very



Legal Description

(page 1 of 2)

Tract F

All that tract or parcel of land lying and being in Land Lot 347 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To reach the Point of Beginning; commence at intersection formed by the southerly right-of-way of the South leg of Perimeter Center East (variable width public right-of-way) and the southeasterly right-of-way of Ashford Dunwoody Road (120 foot width public right-of-way) and proceed thence northeasterly and easterly along the southerly right-of-way of the South leg of Perimeter Center East (variable width public right-of-way) for the following courses and distances; along the arc of a curve to the right 89.42 feet (said arc having a chord distance of 83.46 feet on a bearing of North 57 degrees 14 minutes 07 seconds East and having a radius of 70.00 feet); thence along the arc of a curve to the left 170.90 feet (said arc having a chord distance of 170.31 feet on a bearing of North 85 degrees 39 minutes 58 seconds East and a radius of 595.95 feet); thence North 76 degrees 53 minutes 23 seconds East, 10.35 feet; thence North 76 degrees 23 minutes 23 seconds East, 148.94 feet to a 1/2" rebar found and the Point of Beginning; from the Point of Beginning thus established running thence easterly along the southerly right-of-way of the South leg of Perimeter Center East (variable width public right-of-way) the following courses and distances: North 76 degrees 23 minutes 23 seconds East, 54.41 feet to a 5/8" rebar with cap set; thence along the arc of a curve to the right 76.24 feet to a 1/2" rebar found (said arc having a chord distance of 76.15 feet on a bearing of North 81 degrees 11 minutes 53 seconds East and a radius of 454.469 feet); running thence South 00 degree 16 minutes 20 seconds West, and departing the southerly right-of-way of the South leg of Perimeter Center East a distance of 283.88 feet to a 5/8" rebar with cap set; running thence North 89 degrees 16 minutes 00 seconds West a distance of 130.08 feet to a 1/2" rebar found; running thence North 00 degree 43 minutes 47 seconds East a distance of 257.78 feet to the southerly right-of-way of the South leg of Perimeter Center East (variable width public right-of-way) and the Point of Beginning; said tract containing 0.8079 of an acre or 35,192 sq. ft. all as per survey by James M. McNeely, Georgia Registered Land Surveyor #2301, dated January 18, 2007, last revised January 30, 2007.

Legal Description

(page 2 of 2)

Parcel 21

SunTrust Bank Site (formerly known as Wachovia Bank Site)

ALL THAT TRACT or parcel of land lying and being in Land Lot 347 of the 18th District, DeKalb County, Georgia, and being further described as follows:

BEGINNING at the intersection formed by the southerly right-of-way of the south leg of Perimeter Center East (variable right-of-way) and the southeasterly right-of-way of Ashford Dunwoody Road (120 foot right-of-way) and proceed thence northeasterly and easterly along the southerly right-of-way of the south leg of Perimeter Center East (variable right-of-way) for the following courses and distances; along the arc of a curve to the right 89.42 feet to a point (said arc having a chord distance of 83.46 feet on a bearing of North 57 degrees 14 minutes 07 seconds East and having a radius of 70.00 feet); thence along the arc of a curve to the left 170.90 feet to a point (said arc having a chord distance of 170.31 feet on a bearing of North 85 degrees 39 minutes 58 seconds East and a radius of 595.95 feet); thence North 76 degrees 53 minutes 23 seconds East, 10.35 feet to a point; thence North 76 degrees 23 minutes 23 seconds East, 148.94 feet to a point; running thence South 00 degrees 43 minutes 47 seconds West and departing the southerly right of way of the south leg of Perimeter Center East a distance of 257.78 feet to a point; running thence North 89 degrees 16 minutes 00 seconds West a distance of 450.42 feet to a point on the southerly right of way of Ashford Dunwoody Road (120 foot right of way); running thence North 20 degrees 35 minutes 27 seconds East along the southeasterly right of way of Ashford Dunwoody Road (120 foot right of way) a distance of 167.24 feet to the southerly right of way of the south leg of Perimeter Center East (variable right of way) and the point of BEGINNING; said tract containing 2.05755 acres or 89,627 square feet, as shown on ALTA/ACSM Land Title Survey for Paine Webber Real Estate Securities Inc.; Commonwealth Land Title Insurance Company; Beacon Properties, L.P. and Metropolitan Life Insurance Company, dated November 15, 1994, last revised February 7, 1996, by V. T. Hammond, Georgia Registered Land Surveyor #2554, of Watts & Browning Engineers, Inc., which plat is incorporated herein by this reference.

TOGETHER WITH non-exclusive easements granted to the benefit of the above property by that certain Grant of Easements by and among Metropolitan Life Insurance Company, a New York corporation, and Taylor & Mathis Enterprises, L.P., a Georgia limited partnership, and Beacon Properties, L.P., a Delaware limited partnership, dated February 15, 1996, filed for record February 20, 1996 at 11:27 a.m., recorded in Deed Book 8871, Page 181, Records of DeKalb County, Georgia; as amended by that certain First Amendment to Grant of Easements by and among Metropolitan Life Insurance Company, a New York corporation, Taylor & Mathis Enterprises, L.P., a Georgia limited partnership and Beacon Properties, L.P., a Delaware limited partnership, dated March 7, 1997, filed for record July 3, 1997 at 2:13 p.m., recorded in Deed Book 9510, Page 723, aforesaid Records.

**LETTER OF INTENT
APPLICATION FOR REZONING MODIFICATION
CITY OF DUNWOODY, GEORGIA**

Branch Acquisition Company, LLC (the “Applicant”) requests, on behalf of the Property Owner specified in this Application, a modification of the zoning conditions applicable to property located at 84, 130, and 140 Perimeter Center East (Parcel Identification Numbers 18 18 347 01 013; 18 347 01 021; 18 347 01 028) (collectively known as the “Property”). The Property is zoned C-1 and is conditioned to a site plan showing a development consisting of a 12-story, 232-room hotel with an approximately 7,050-square foot full service restaurant, approximately 5,369 gross square feet of meeting space, and a fitness club consisting of approximately 70,000 gross square feet (See Dekalb County zoning case numbers Z-0814825, SLUP 08-14791 and Variances A-08-14505 and A-08-14932).

The Applicant desires to modify the zoning conditions to allow for a hotel with a maximum of 12-stories and 200 rooms with approximately 60,675 square feet of retail, restaurant and commercial uses. The Property is currently occupied by a vacant bank building.

The Applicant respectfully submits this request, and asks that the City Council approve the Rezoning Modification as the proposal is consistent with the standards and factors set forth in Section 27-335 of the Zoning Ordinance of the City of Dunwoody:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;

This Rezoning Modification Application is in conformity with the policy and intent of the City of Dunwoody’s 2015-2035 Comprehensive Plan. The Property is in the Perimeter Center Character Area, which is described as “a visitor friendly, “livable” regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment.” Comp. Plan at Page 25. One objective in the Character Area is to: “Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route.” Comp. Plan at Page 26. The Applicant’s proposal is attuned to this vision for the Perimeter Center area, as the Property is just a ten (10) to fifteen (15) minute walk from the Dunwoody MARTA station. Furthermore, providing a mixed-use development with flexible commercial space at this location will not only allow the Applicant to respond to market

demands for restaurant and retail uses, but will also foster small business creation and growth, one of the priority needs listed in the Comprehensive Plan. Comp. Plan at Page 36.

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

This Rezoning Modification will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other parcels in the vicinity are zoned to the C-1, O-I and OCR districts and are developed for dense commercial, office and multi-family residential uses. The Property is situated opposite Perimeter Mall and near both the Dunwoody MARTA station and I-285.

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

The Property does not have a reasonable economic use as currently zoned. The Property was rezoned in 2008 to fit a specific market concept presented by a national hotel chain that combined a hotel with a large fitness center. The Property has been on the market for many years since that time, but has not sold. Current hotel operators are not willing to adjust their designs to include a 70,000-square foot fitness center. The Applicant's request, if granted, would allow reasonable economic use of the Property.

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

The hotel and commercial uses proposed are allowed under the existing C-1 zoning classification. The Applicant's proposal only seeks to modify zoning conditions limiting the development of the Property to a specific, nearly ten-year-old site plan. However, because the Applicant's proposal is similar to that included in the original zoning, it will not affect the existing use or usability of adjacent or nearby property.

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

The surrounding area has been densely developed for many years. As mentioned above, the Applicant proposes uses that are currently allowed, but wishes to change zoning conditions that tie the development of the Property to a specific site plan.

6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archeological resources;

The Applicant is unaware of any historic buildings, sites, districts, or archeological resources that this zoning proposal would adversely affect.

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

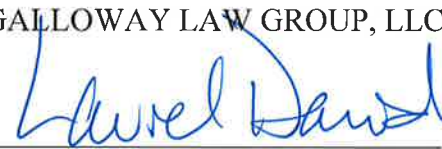
The proposal is not expected to result in a use that would excessively burden existing streets, transportation facilities, utilities or schools. While existing infrastructure is sufficient to meet the increases in usage that will result from the development, the Applicant will work with the City of Dunwoody, DeKalb County, and the Georgia Department of Transportation personnel to find solutions to any issues that arise. The proposed uses on the Property will not generate school students.

Because this Rezoning proposal meets all the standards and factors set forth in Section 27-335 of the Zoning Ordinance of the City of Dunwoody, the Applicant respectfully asks that the City Council grant the Rezoning Modification as requested by the Applicant above.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

By:



Laurel David

Jordan Edwards

Attorneys for the Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

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:** Branch Acquisition Company, by Jack T. Haylett as Senior Vice President

Signature: [Signature] Date: 5/31/17
Address: 3340 Peachtree Rd NE #600, Atlanta, GA 30326

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☐ YES ☒ NO

* **Applicant / Owner:** RB 84 PC, LLC

Signature: _____ Date: 5/31/17
Address: c/o Bruce Balderson, Jr., Rubenstein Partners, Cira Centre 2929 Arch Street, 28th Floor Philadelphia, PA 19104-2868

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☐ YES ☒ NO

* ~~Applicant / Owner~~ Legal Counsel: The Galloway Law Group, LLC

Signature: Laurel Darrow Date: 6/5/17
Address: 3500 Lenox Road NE, Suite 760, Atlanta, GA 30326

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

Date	Government Official	Official Position	Description	Amount

CONSTITUTIONAL OBJECTIONS
APPLICATION FOR REZONING MODIFICATION
CITY OF DUNWOODY, GEORGIA

Georgia Law and the procedures of City of Dunwoody require us to raise Federal and State Constitutional objections during the Rezoning Modification application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/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 Zoning Ordinance of City of Dunwoody, Georgia, as applied to the Property, that would result in a denial of the Rezoning Modification as requested, are, or would be, unconstitutional in that they would destroy property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, 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.

Any application of the Code of City of Dunwoody or the City of Dunwoody Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of 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 Article I, 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 because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of City of Dunwoody without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, 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 to grant the Rezoning Modification as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Rezoning Modification subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would

likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to City of Dunwoody, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by City of Dunwoody. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

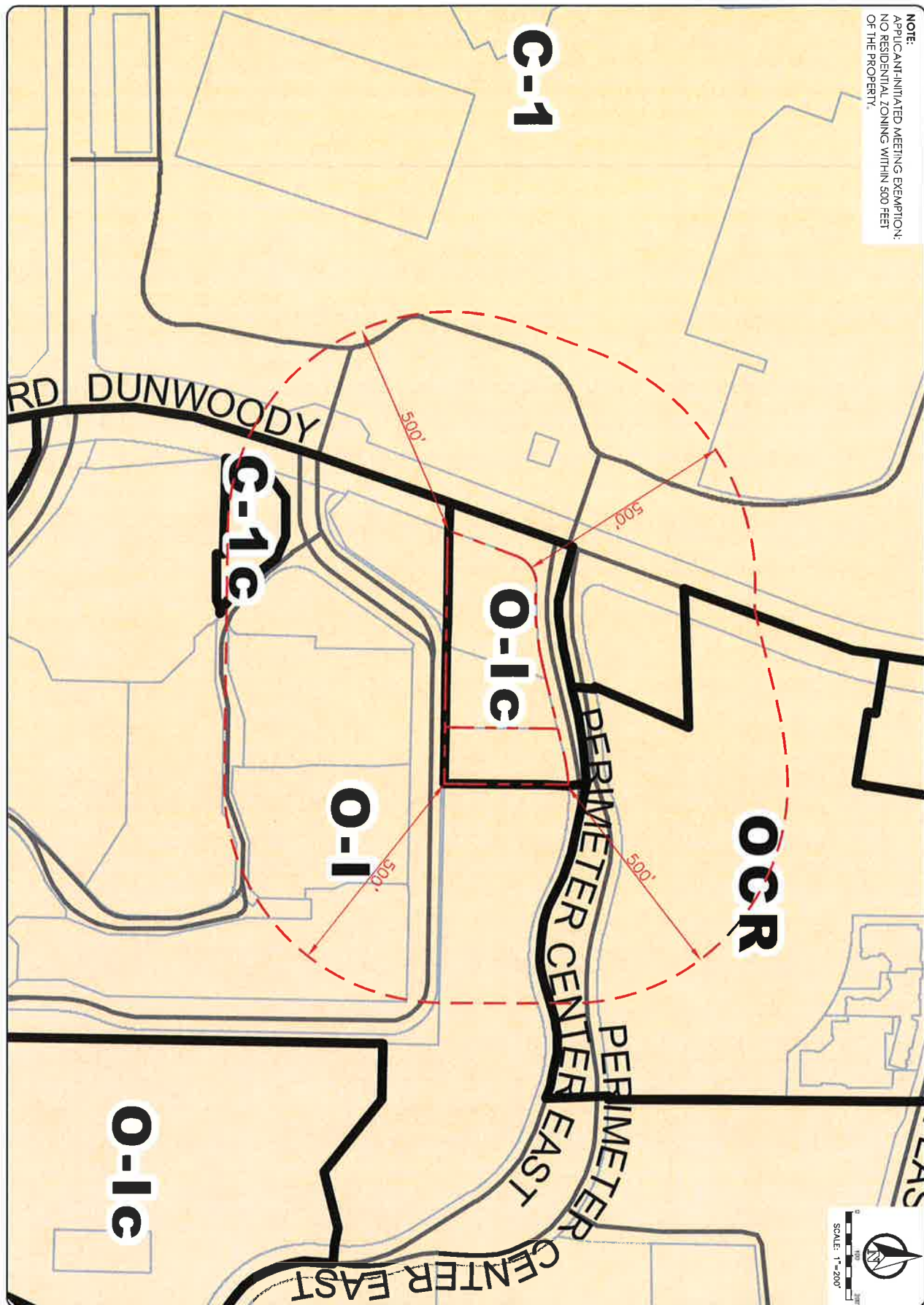
Accordingly, the Owner/Applicant respectfully requests that the City Council of the City of Dunwoody grant the Rezoning Modification as requested.

THE GALLOWAY LAW GROUP, LLC

By: 

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ZONING RADIUS MAP JOB NO: 17-194 DATE: 05/15/17 SHEET: ZRM-1		BRANCH PERIMETER CENTER EAST JURISDICTION: CITY OF DUNWOODY LOCATION: 84 PERIMETER CENTER E ATLANTA, GA 30346	 3340 PEACHTREE STREET NE, SUITE 600 ATLANTA, GA 30326 (404) 632-8900	<table border="1"> <thead> <tr> <th>#</th> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	#	DATE	REVISIONS	BY																									 THE CONTINEO GROUP 573 OAKDALE ROAD ATLANTA, GA 30307 PHONE: 770.335.8162 WWW.THECONTINEOGROUP.COM
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