

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

### **MEMORANDUM**

To: City Council

From: Madalyn Smith, Senior Planner

Date: October 14, 2025

Subject: RZ 25-05 & SLUP 25-04 – 84 Perimeter Center East, Parcel ID#18 347 01 013

#### **REOUEST**

The applicant, JSJ Perimeter LLC, requests a modification of the zoning and special land use permit conditions of cases RZ 23-02 & SLUP 23-03, to modify existing zoning conditions, update the site plan, and a new special land use permit for a drive through.

\*For the October 14, 2025 City Council Meeting, the applicant requests that the Council move to defer the First Read and public hearing to the November 10, 2025 meeting.

APPLICANT	
Property Owner:	Representative:
JSJ Perimeter LLC	Dennis Webb Jr. of
John DiGiovanni	Smith, Gambrell Russell, LLP

#### PLANNING COMMISSION 8.12.2025

At the August 12, 2025 Planning Commission meeting, the applicant presented updated materials. The Planning Commission recommended approval (6-1) of the request subject to staff conditions and with the following additional conditions:

- 1. A security monitoring system shall be installed for the parking garage prior to the issuance of a Certificate of Occupancy for the subject parking garage.
- 2. A raised crosswalk is required from the pedestrian exit of the parking garage and across the entrance driveway.
- 3. Service from the drive-through shall be provided through a delivery door; the installation of a drive-through window is prohibited. The product specifications for the delivery door shall be provided at the time of permitting.
- 4. A maximum of 50% of the drive-through restaurant's food revenue can come from the drive-through service itself. A sales record report demonstrating the sales split between indoor dining food sales and drive-through food sales shall be submitted with the subject drive-through's business license renewal each year; a copy of this sales record report shall also be sent to the Community Development Director at the time of business license renewal.

Should the City Council choose to approve the zoning case, the Planning Commission's recommended conditions have been incorporated into the proposed conditions for this report. Please note, staff's overall recommendation of the subject request is denial.

#### **PLANNING COMMISSION 7.8.2025**

During the July 8, 2025 public hearing, two people spoke in opposition of the drive-through use. The applicant requested a 30-day deferral to prepare additional materials and information. The Planning Commission granted the request in a unanimous vote (5-0).

In response to the comments at Planning Commission, the applicant amended their application as follows:

- 1. Removed the request for additional allowed uses in the maximum 14-story building
- 2. Provided a more detailed site plan
- 3. Met with staff to provide additional information about the feasibility of the Phasing Plan
- 4. Updated the conditions to reflect the current request

### BACKGROUND & PROPOSED DEVELOPMENT



Figure 1. Zoning Map

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

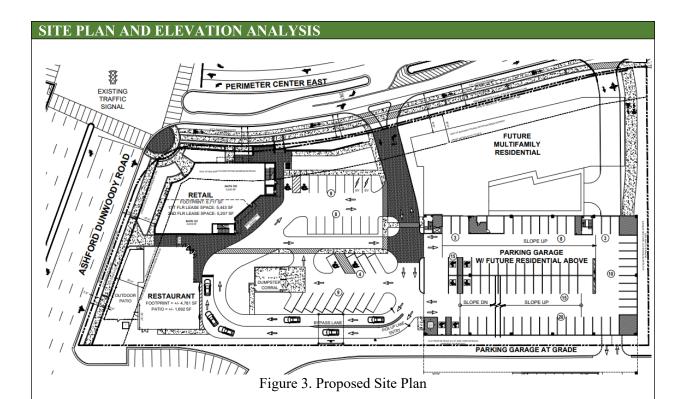
The property has undergone a series of zoning amendments over the past 15 years. In 2008, the property was rezoned from O-I to C-1 conditional (Z-08-14825) to allow for the development of a hotel, a 7,050 square foot full service restaurant, a 5,369 square foot meeting space, and a 70,000 square foot fitness club. The site also received a special land use permit to increase the height of the hotel from 2 to 12-stories (SLUP-08-14791). In 2019, the property's site plan and zoning conditions were amended to allow a 11-story, 160-room hotel and two additional multi-story buildings containing approximately 43,140 square feet of commercial uses, including but not limited to restaurants and retail, patio and rooftop terrace seating and a multi-story parking deck (see MA 19-02). In 2020, the applicant removed the plans for a hotel and proposed to replace it with a 14-story building with 225 units of age-restricted rental housing, which prompted a rezoning to PC-2 and several special land use permit requests (RZ 20-03 & SLUP 20-02). Overall, these series of zoning actions resulted in the following approved site plan:



Figure 2. Most recently approved site plan

The subsequent case RZ 23-02 & SLUP 23-03 did not alter the site plan but removed a condition related to the timeline in which this development is delivered. The previous zoning actions, RZ 20-03 & SLUP 20-02, included a condition that required the applicant to have an approved Land Disturbance Permit by September 8, 2023. In 2023, the applicant requested to have this condition removed due to the current economic conditions which, at the time, financially impacted the project so that the prescribed deadline could not be feasibly met. This request was approved by the City Council on July 10, 2023.

The current proposed application is a significant departure from the previously approved site plan and exhibits. The applicant requests to amend the site plan and conditions to accommodate the newly proposed drive-through to serve a proposed quick-service restaurant, Portillo's. The site plan also represents a general change in the building sizes and layouts, parking lot design, the location of open space, and the amount of floor area allocation to different uses. The applicant has also provided a Phasing Plan for the proposed development.



The development includes:

- 1) 2-story commercial building, with 10,620 SF of leasable space, at the corner of Ashford Dunwoody Road and Perimeter Center East
- 2) 1-story, 4,781 SF drive-through restaurant facing Ashford Dunwoody Road
- 3) Maximum 14-story building facing Perimeter Center East (proposed age-restricted multifamily) with a parking deck
- 4) 31-space surface parking lot
  - a) In compliance with maximum surface parking ratios
- 5) New Streetscape
  - a) Along Ashford Dunwoody Road: 8-foot sidewalk and 16-feet of outdoor patio/dining
  - b) Along Perimeter Center East: 6-foot sidewalk and 5-foot bike lane
  - c) New planting buffers and street trees along both frontages

The previous site layout functioned more as one building, with the street-facing retail buildings connected to the residential building via a second-floor plaza. The current site plan creates three separate buildings, each operating independently with shared parking in the parking garage. The access to the site remains the same as the previous iteration; all access to the site is via two driveways from Perimeter Center East, with a future secondary street access to Ravinia Parkway to the south provided along the eastern property line.

The current zoning district, PC-2, and Perimeter Center Overlay prescribes design standards for all new development such as build-to zones and building materials. The applicant has rescinded the previously submitted elevations and has communicated their intent to have elevations prepared for upcoming meetings. Regardless of whether elevations are provided these standards are still enforceable through code requirements and conditions of zoning.

Overall, the general concept of a mixed-use development with limited surface parking, new open space, street-front dining and retail, with a residential or hotel component is consistent with the intent of the

PC-2 zoning district but the inclusion of a drive-through is problematic. Staff is also critical of the increased use of surface parking. While the previously approved site plan includes only 13 spaces, the now-submitted plan includes 31 spaces.

The drive-through has a stacking capacity of approximately 12-cars within the dedicated drive-through lane. The proposed drive-through restaurant fronts along Ashford Dunwoody Road, with the drive-through completely to the rear of the building.

The submitted Phasing Plan lays out a strategy that would allow the property owner to first construct the northern commercial building, the drive-through restaurant, surface parking, and a partial parking garage. The parking deck will be structurally designed to allow future construction above the initial three-story portion. Then at a later date, Phase II would include the completion of the parking deck and the construction of the maximum 14-story residential building. Staff has met with the applicant to clarify the process of constructing the parking deck in two phases.

SURROUNDING LAND ANALYSIS					
Direction	Zoning	Future Land Use	Current Land Use		
N	C-1 & OCR	Perimeter Center	Commercial-Service Station		
S	O-I	Perimeter Center	Office-Chase Bank, Ravinia Office Complex		
Е	O-I	Perimeter Center	Apartment Complex		
W	C-1	Perimeter Center	Retail/Restaurants- Perimeter Mall		

### ZONING AMENDMENT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-335 identifies criteria for evaluating applications for zoning amendments. No application for an amendment shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

- (5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- (7) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The current zoning district is PC -2 and the proposed zoning district is PC-2. The current proposal represents an amendment to the previously approved site plan and conditions, prompting this request. The drive-through component of the proposal is considered separately as part of the Special Land Use Permit.

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

The property owner has been unable to develop the property under the current zoning conditions. The new proposal alters the layout of the site from a single mixed use building (with both horizontal and vertical mixed-use) to three separate buildings, two commercial outparcels along Ashford Dunwoody Road and a residential building/parking garage to the rear. The project is broken into phases, with the retail, drive-through restaurant, and partial parking garage delivered in Phase I and a housing development and completion of the parking garage delivered in Phase II. The applicant currently has a partner, Portillo's, to construct the drive-through restaurant for Phase I, however, the drive through could be operated by other fast-food operators in the future.

The proposal includes the same elements of previously approved zoning site plan but the design and layout of the buildings is a significant aesthetic and functional departure.

### SPECIAL LAND USE PERMIT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-359 identifies criteria for evaluating applications for special land use permits. No application for special land use permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the proposed use is consistent with the policies of the comprehensive plan;
- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:

- a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
- b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
- e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
- f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- (5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
- (7) Whether adequate provision has been made for refuse and service areas; and
- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

The previously approved Special Land Use Permit, SLUP 23-03, included all the following requests:

- 1. (A): Special Land Use Permits to allow an exception to Section 27-104(c), Figure 27-104-3, for an increase in the maximum impervious coverage from 65% to 72% and of combined impervious and semi-pervious coverage from 75% to 78%.
- **2. (B):** Special Land Use Permit from Chapter 27, Section 27-104(f)(2) to allow residential use of age-restricted multi-family housing. Section 27-104(f)(2);
- 3. (C): To allow an exception to Section 27-105(b)(2) to reduce the required interior side yard setback from 15 feet to 0 feet and to reduce the rear yard setback from 30 feet to 10 feet; and
- **4. (D):** To allow an exception to Section 27-105(b)(2) to allow both residential and commercial uses at the street facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family building that will not be service or lobbies for lodging. The street facing ground level of the remainder of multi-family buildings shall contain active uses for a minimum depth of 10 feet.

This application includes all the above requests and adds an additional request for a drive-though:

**5. (E):** To allow a 1-story 4,781 SF drive-through restaurant with a 1,692 SF patio.

The applicant does not wish to amend requests A-D, which all remain as approved in 2023. The compliance with the above criteria and appropriateness of the previously approved A-d requests remains unchanged. This analysis will focus on the consideration of the drive-through use, request E.

Although there was a previous drive-through on the property, a former bank, the building has been vacant for a significant period of time and after 6-months, a non-conforming use cannot be reinstated, thus prompting this request. The proposed new drive-through layout generally complies with the standards of the Perimeter Center Overlay and PC-2 district.

Per the recently published EdgeCity2.0 visioning document, the subject property is located within the EdgeCity study area. The EdgeCity vision establishes three different nodes—urban node, city node, and town node—and also programs and identifies the future location of a central greenspace. The subject property is associated with the city node and is directly across the street from the future programmed greenspace. The city node is a higher density node, with an emphasis on office and residential development. Within this node and in consideration of future improvements along Ashford Dunwoody Road, the proposed drive-through is not an appropriate use.

The proposed project is part of a larger redevelopment of an existing vacant site, which sits at a prominent corner along the Ashford Dunwoody Road corridor, directly across the street from Perimeter Mall and adjacent to the Ravinia office development. The applicant currently has a partner, Portillo's, to construct the drive-through restaurant and would likely be the first building delivered as Phase I of the development. Also as part of Phase I, the applicant proposes to construct a three-story parking deck to accommodate the parking needs of the restaurant and retail buildings. As previously stated, the applicant proposes that the three-story parking garage stay open during Phase II construction.

The building design creates a large outdoor dining space along the new sidewalk on Ashford Dunwoody Road and minimizes impacts from the drive-through by locating it completely behind the building. The updated configuration of commercial uses, from 40,000 SF to 15,500 SF, produces a decrease in trip generation, despite typically higher traffic volume of a drive-through.

#### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff recommends denial of the requested Rezoning and Special Land Use Permit, RZ 25-05 & SLUP 25-04. Please note, denial of the current request does not impact the previously approved cases RZ 23-02 & SLUP 23-03.

Staff recommends approval subject to the following conditions:

EXHIBIT A: Site plan, submitted July 29, 2025.

EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT C: HUD Housing for Older Persons Regulations.

EXHIBIT D: Phasing Plan.

- 5. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;
- 6. The owner shall construct the streetscaping in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development

- shall be subject to approval by the Public Works Director and Community Development Director;
- 7. Final elevations of all proposed buildings shall meet the minimum requirements of the Perimeter Center Overlay and PC-2 zoning district requirements. Major façade materials shall include natural brick, natural stone and natural wood, hard coat stucco and glass, natural brick veneer or stone veneer materials and other high quality materials approved by the Community Development Director during the permit review process;
- 8. Stamped brick and cultured stone, manufactured stone, or other imitation materials shall be prohibited. Synthetic EIFS may be used only as accents for cornices or other minor decorative elements;
- 9. Maximum impervious plus semi-pervious cover shall be 78% and include pedestrian or plaza areas, as shown on "Exhibit AC";
- 10. No monument sign shall be constructed along the Ashford Dunwoody Road frontage. As an alternative, the owner is allowed one sign with a sign area up to 120 square feet attached to the building. The design of such signage shall be incorporated into the design of the building as approved by the Community Development Director during the site plan review process. Other building signage will be allowed in accordance with Section 20-57;
- 11. All trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid masonry wall at least eight feet in height;
- 12. Prior to certificate of occupancy, the owner shall pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist;
- 13. All utilities servicing the site shall be underground with the exception of required aboveground elements, such as transformers and cable boxes;
- 14. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
- 15. Prior to the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk, bike lane, and landscape buffers along Ashford Dunwoody Road and Perimeter Center East;
- 16. Prior to the issuance of certificates of occupancy, the Owner will convey an easement on the eastern portion of the development sufficient to accommodate two travel lanes and two bicycle lanes as shown on Exhibit A to connect to adjacent property to the south. For the vehicular component, it will be responsibility of others to connect to this public easement outside of the property lines of the development. For the bicycle component, the Owner shall complete the physical connection to the adjacent property to the South prior to the issuance of certificates of occupancy unless the property owner of the adjacent property objects in writing.
- 17. There shall be no left turn lane into the western most driveway from Perimeter Center East into the development. Access at this driveway shall be restricted to right in and right out turns only;
- 18. The owner will contribute up to \$20,000 to extend the southbound turn lane for left turns from Ashford Dunwoody Road on to Perimeter Center East;
- 19. The uses on the site shall be limited to eating and drinking establishments, brokerage services, office, medical facilities, retail sales, lodging, personal improvement, office, non-traditional bank without a drive-thru such as a banking café, credit union, savings and loans, and laundry drop-off and pick-up service:
- 20. A crosswalk and pedestrian refuge shall be provided across Perimeter Center East on the northeastern corner of the property pursuant to approval of the Public Works Director;
- 21. The age-restricted rental building shall not exceed 14 stories in height;
- 22. Parking deck openings that face the apartment building to the east shall be shielded with landscaping and/or an architectural mesh, grille, screening or other cladding component that enhances the architectural character of the structure. The final design of the parking deck shall be subject to approval of the Community Development Director; and

- 23. The completed architectural design shall be substantially similar to "Exhibit D" and meet the requirements of the PC-2 District. Where both conflict, the requirements of the PC-2 district shall govern. The drawings shall be submitted by the Community Development Director to City Council for feedback prior to the issuance of a building permit.
- 24. Both residential and commercial uses are allowed at the street-facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family buildings. The street-facing ground level of the remainder of the building shall contain active uses for a minimum depth of 10 feet. Such active uses may include, but shall not be limited to, retail space, restaurants or other food sales, building leasing areas, resident lounges, lobbies, fitness centers, cycle training and cycle maintenance areas, live-work units, and residential stoops.
- 25. Ground-level retail spaces along Ashford-Dunwoody Road and Perimeter Center East shall have public entrances from the sidewalk that are kept open during business hours.
- 26. Balconies at the residential units shall have a minimum depth of 5 feet from the exterior wall.
- 27. The roof plaza above the retail spaces shall be open to the public during business hours.
- 28.27. The Applicant shall provide manufacturer's specifications for the pervious paver systems that Any pervious paver systems utilized on the subject site must conform with the site's soil percolation characteristics and the chosen engineered base and engineered sub-base. An engineer who is GA Stormwater certified (GSWCC) will provide a letter at permitting testifying that, based on the manufacturer's specifications, the chosen engineered base and engineered sub-base, the proposed pervious paver systems and similar improvements counted towards the semi-pervious cover has sufficient water permeability and is recommended for the site's soil percolation characteristics.
- 29.28. The applicant shall comply with the requirements of Subpart E Housing for Older Persons of Title 24 Housing and Urban Development. Subtitle B Regulations Relating to Housing and Urban Development. CHAPTER I OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A FAIR HOUSING. PART 100 DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT, as amended, and as cited on "Exhibit CE".
- 30.29. The applicant shall forward the results of its verification of occupancy, as required by §100.307 of "Exhibit CE", to the Community Development Director one year after receiving a Certificate of Occupancy and every two years after that.
- 31.30. The applicant shall construct the first three levels of the parking garage as part of Phase I. The initial levels of the parking garage shall be designed and constructed to accommodate a minimum load of two additional levels of parking and a minimum 75-foot residential structure above. The applicant shall provide a signed and sealed letter from a structural engineer that confirms the maximum load bearing capacity of the parking deck as part of the construction permit application. The height of any structure to be constructed on top of the parking garage shall be capped by the maximum load bearing capacity of the parking garage, as confirmed by a structural engineer, and may exceed 75 feet above the parking deck but under no circumstances shall said height exceed 14-stories or 180 feet.
- 32.31. During Phase II construction, as identified on Exhibit D, all entrances to the parking deck shall be kept accessible during the hours the businesses on-site are open to the general public, except for temporary closures of limited duration. In the event of a temporary closure(s), at least one entrance shall remain open at all times.
- 32. No certificate of occupancy for any restaurant/retail space shall be issued until the initial 3-story parking garage is complete and has received its certificate of occupancy.
- 33. The applicant shall construct a mini-roundabout on Perimeter Center East at the eastern driveway. Final location and design of the mini-roundabout is subject to the approval of the Public Works Director. The mini-roundabout shall be completed prior to the issuance of any Certificate of Occupancy on the subject site.

### ATTACHMENTS

- EXHIBIT A: Site plan, submitted June 16, 2025.
- EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.
- EXHIBIT C: HUD Housing for Older Persons Regulations.
- EXHIBIT D: Phasing Plan.
- RZ 25-05 & SLUP 25-04 Application

### **Madalyn Smith**

From: Webb, Dennis (Den) <dwebb@sgrlaw.com>
Sent: Wednesday, October 1, 2025 11:02 AM

To: Madalyn Smith

**Cc:** Paul Leonhardt; Brock, Alex; Lloyd, Jack

**Subject:** 84 Perimeter Center East

Caution: External Message

### Hi Madalyn,

As discussed, the Applicant would like to defer the first reading on the Major Modification and SLUP applications for the property above to the November 10, 2025 Mayor and Council hearing. The reason is that the Applicant is waiting on renderings and additional information from Portillo's that will be important for a full consideration of the matters. We will have someone at the hearing on October 14, 2025 in the event questions arise.

### Thanks,

### Den

Dennis (Den) J. Webb, Jr. Attorney at Law

p | 404-815-3620

f | 404-685-6920

e | dwebb@sgrlaw.com

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# SECOND AMENDED APPLICATION FORMS

### **Amendment & Special Land Use Permit Application Packet**



4800 Ashford Dunwoody Road Dunwoody, GA 30338 dunwoodyga.gov

The requirements of this application apply to comprehensive plan land use map amendments, zoning map amendments, zoning ordinance text amendments, major amendments to one or more conditions attached to previously approved zoning map amendments, and special land use permits. If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, they can request a concurrent variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of the building placement, setback yard, transitional buffer, landscape strip, parking and loading or other regulations, and the approval of one does not indemnify the approval of the other. The City Council, following recommendation by the Planning Commission, shall determine whether the proposed amendment meets the applicable requirements.

Applicat	plication Requirements:				
Item	Required Item	Number of Copies			
#	•	-			
1 🗸	Amendment Application (See Page 7)	1 electronic copy			
2	Property Owner(s) Notarized Certification (See Page 8)	1 electronic copy			
3	Campaign Disclosure Statement (See Page 10-11)	1 electronic copy			
4 N/A	Traffic Impact Study (If necessary, see Page 12)	1 electronic copy			
<sup>5</sup> N/A	Development of Regional Impact (If necessary, see Page 12)	1 electronic copy			
6	Environmental Impact Report (If necessary, see Page 13)	1 electronic copy			
7	Summary Report (See Page 5)	1 electronic copy			
8	Site plan and elevations (See Page 5)	1 electronic copy			
9	Written legal description/survey of the property (See Page 5)	1 electronic copy			
10 🗸	Site photos (See Page 5)	1 electronic copy			
11 🗸	Letter of Intent (See Page 5)	1 electronic copy			
12 N/A	Overall Development Plan (For Planned Developments)	1 electronic copy			
13	Payment	Pay with cash, check or credit card			

Please submit the entirety of your application electronically, saved as a single PDF. The submittal deadline, to be placed on the soonest Planning Commission agenda, is the first Tuesday of the month by 4 PM.

# Second Amended Application Form

Purpose of Application (check all that apply):

[ ] Comprehensive Plan Land Use Map Amendment

[ ] Zoning Ordinance Text Amendment

[ ] Zoning Map Amendment

[x] Special Land Use Permit

**Major Modification of Zoning Conditions** 

[X]



**Community Development** 

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

Application Information Company Name: JSJ Perimeter, LLC c/o Dennis J. Webb, Jr Smith, Gambrell & Russell, LLP
Contact Name: Dennis J. Webb, Jr.
Address: 1105 W. Peachtree St NE, Ste 1000, Atlanta, GA 30309
Phone: Email:
Pre-Application Conference Date:11/25/2024, 3/20/2025
Owner Information [✓] Check here if same as applicant
Owner's Name:
Owner's Address:
Phone: Email:
Property Information  Property Address(sa) 84 Perimeter Center Fast Dunwoody GA 30338
Property Address(es):84 Perimeter Center East, Dunwoody, GA 30338  Parcel ID #(s): 18 347 01 013, 18 347 01 021, 18 347 01 028
Total Acreage: ±2.87
Project Information
Proposed Zoning Classification: PC-2 Proposed Use: Mixed-Use
Project Details: Applicant seeks SLUP to allow a "drive-through" use, and a major modification to substitute a new site plan for that which is currently approved.
substitute a new site plan for that which is currently approved.
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 filling 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: Dennis J. Webb, Jr Smith, Gambrell & Russell, LLP
Applicant's Signature: Date: Date:
Notary:
Sworn to and subscribed before me this <u>31st</u> Day of <u>July</u> , 20 <u>25</u>
Notary Public: Jack R. Lloyd
Cianabura R. LLOVO
Signature:
My Commission expires:
OLINA 2009  OLINA 2009  OLINA 2009  OLINA 2009
TON COUNTRIBUTE
Manufacture of the second

# **OWNER AUTHORIZATION**

# Property Owner(s) Notarized Certification



### **Community Development**

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

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

Property Owner	(If Applicable):		
Owner Name:	JSJ Perimeter LLC		
Signature:		Da	te: 7/01/2024
Address:	2221 Peachtree Road Su	th 5488, Atlanta GA 30309	
Phone: 404 220 727	Fax:	Email:	
Sworn to and subscrib	oed before me	API & Bay of July	, 20 24
Notary Public: Ma	y Elleman ?	1810 7 6	
~	- August	IST OF GE	
	Thin Co	DUNTAININ	
	***************************************	Ultra.	
Property Owner	(If Applicable):		
Owner Name:			
Signature:		Da	te:
Address:			
Phone:	Fax:	Email:	
Sworn to and subscrib	oed before me this	Day of	, 20
Notary Public:			
Property Owner	(If Applicable):		
Owner Name:			
Signature:	e e	Da	te:
Address:			
Phone:	Fax:	Email:	
Sworn to and subscrib	oed before me this	Day of	, 20
Notary Public:			
			g.

# **APPLICANT CERTIFICATION**

# Applicant Notarized Certification



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

4800 Ashford Dunwoody Road

**Community Development** 

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

Applicant:	
Name: JSJ Perimeter, LLC c/o Dennis J. Webb, Jr Smith, Gambrell & Russell,	
Signature:	Date: <u>5/1/2025</u>
Address: 1105 W Peachtree St NE, Ste 1000. Atlanta, GA 30309	<del></del>
Phone: Email:	
Notary Public: Jack R. Wayd	
Sworn to and subscribed before me this 6th Day of	, 20_25
NOTA NOTA DE LOS	
Notary Signature:	
My Commission Expires: 1/14/29 GEORGIA	
Applicant:	
Name:	
Signature:	Date:
Address:	Dutc.
Phone: Email:	
Notary Public:	
Sworn to and subscribed before me thisDay of	, 20
Notary Signature:	
• -	
My Commission Expires:	
Applicant:	
Name:	
Signature:	Date:
Address:	
Phone: Email:	
Notary Public:	
Sworn to and subscribed before me thisDay of	, 20
Notary Signature:	
My Commission Expires:	

# **DISCLOSURE FORM**

### Campaign Disclosure Statement



### **Community Development**

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

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

☐ YES XNO

ДРР	cane				
Signature:				Date:7-01-	2024
Address:	2221	Peachtree Road, Su	ite D-338, Atlanta GA 30309	)	
÷		If the answer abov	ve is yes, please complete the	following section:	
Date	Gover	rnment Official	Official Position	Description	Amount

# Campaign Disclosure Ordinance

**Applicant/Owner** 

Signature:



**Community Development** 

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

4/30/25

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 [] YES [x] NO City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

Dennis J. Webb Jr. - Smith, Gambrell & Russell, LLP Date:

Address: 1105 W Peachtree St NE, STE 1000. Atlanta, GA 30309				
If the answer above is yes, please complete the following section:				
Date	Government Official	Official Position	Description	Amount

# Campaign Disclosure Ordinance



**Community Development** 

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

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 [] YES [x] NO City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

Applicant/C Signature: Address:1105 V	W Peachtree St NE, STE 1000	exander Brock - Smith, Gam D. Atlanta, GA 30309	obrell & Russell, LLP Dat	4/30/25 re:
	If the answer above is ye	s, please complete	the following section	:
Date	Government Official	Official Position	Description	Amount

# Campaign Disclosure Ordinance

Address: 1105 W Peachtree St NE, STE 1000. Atlanta, GA 30309

**Applicant/Owner** 

Signature:



**Community Development** 

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

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 [] YES [x] NO City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

Kathryn M. Zickert - Smith, Gambrell & Russell, LLP Date: 4/30/25

If the answer above is yes, please complete the following section:				
Date	Government Official	Official Position	Description	Amount

# **Campaign Disclosure Ordinance**

**Applicant/Owner** 



**Community Development** 

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

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 [ ] YES [x] NO City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

Cianatura.	1. 1 1	riek D. Eigletul Smith C	ambroll & Bussoll IIBD-+	4/30/25	
Signature:	Signature: Kirk R. Fjelstul - Smith, Gambrell & Russell, LLPDate:				
Address: 1105	Address: 1105 W Peachtree St NE, STE 1000. Atlanta, GA 30309				
	If the answer above is ye	es, please complete	the following section	:	
	- Treatiswer above is ye			•	
Date	Government Official	Official Position	Description	Amount	

# LAND SURVEY & LEGAL DESCRIPTION

# **PURPOSE STATEMENT**

THE PURPOSE OF THIS CONSOLIDATION PLAT IS TO CONSOLIDATE THE THREE EXISTING TAX PARCELS INTO ONE PARCEL AS SHOWN HEREON.

### **FEMA NOTES**

ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAPS) OF DEKALB COUNTY. GEORGIA, PANEL NUMBER 13089C0012 J, HAVING AN EFFECTIVE DATE OF MAY 16, 2013 THE SURVEYED PROPERTY APPEARS TO LIE IN ZONE X (OTHER AREAS) WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER GRAPHICAL PLOTTING OF THE REFERENCED "FIRM" MAP SHOWN

## CITY OF DUNWOODY PLAT APPROVAL

HIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF DUNWOODY, GEORGIA AND COMPLIES WITH ALL ZONING. ENVIRONMENTAL, AND SUBDIVISION ORDINANCES AND REGULATIONS AND ALL APPLICABLE

COMMUNITY DEVELOPMENT DIRECTOR

## **SURVEY NOTES**

A TOPCON 223 TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

A TRIMBLE R-10 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY

THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE AND THE CONSOLIDATED PARCEL IS ACCURATE WITHIN ONE FOOT IN 114,348 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED, ARE WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA/NSPS LAND TITLE SURVEYS PER THE 2016 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND NSPS AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE PER STATE GPS OBSERVATION.

ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES. MEASURING UNITS OF THIS SURVEY ARE IN U.S. SURVEY FEET.

FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON MAY 17, 2019

INFORMATION REGARDING SIZE, LOCATION, AND SPECIES OF EXISTING TREES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE SIZE AND SPECIES OF THE SAID TREES WITHOUT VERIFICATION FROM THE DESIGNATED ARBORIST BY THE LOCAL REGULATORY AUTHORITY. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON EXCEPT BY APPROVAL OF

THIS SURVEY MAY NOT REPRESENT OFFSITE PAINT STRIPING TO THE ACCURACY REQUIRED FOR LANE DESIGN. TERRAMARK LOCATES THE EDGE OF PAVING AND CRITICAL POINTS TO REFLECT ACCURATE TOPOGRAPHIC DATA ONLY. ACCURACY OF PAINT LOCATIONS SHOULD BE VERIFIED WITH SURVEYOR PRIOR TO USING THIS

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY TO THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS. HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND

INFORMATION REGARDING STORM SEWER AND SANITARY SEWER AS SHOWN HEREON, IS BASED ON OBSERVATIONS TAKEN BY TERRAMARK EMPLOYEES AT THE GROUND ELEVATION OF THE EXISTING STRUCTURE. TERRAMARK EMPLOYEES ARE NOT AUTHORIZED TO ENTER A CONFINED SPACE SUCH AS A STRUCTURE THEREFORE, THERE IS NO CERTAINTY OF THE PIPE SIZES AND PIPE MATERIAL THAT E SHOWN ON THIS SURVEY. EXCAVATION BY A CERTIFIED CONTRACTOR IS THE ONLY WAY TO VERIFY PIPE SIZE AND MATERIAL. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE PIPE INFORMATION SHOWN HEREON.

STATE WATERS AND BUFFERS AS SHOWN OR NOT SHOWN HEREON ARE SUBJECT TO REVIEW BY LOCAL JURISDICTION OFFICIALS. IT IS THE RESPONSIBILITY OF THE LOCAL AUTHORITY TO DETERMINE SPECIFIC WATER CLASSIFICATION. THEREFORE TERRAMARK LAND SURVEYING ACCEPTS NO RESPONSIBILITY IN THE IDENTIFICATION OF SAID WATERS OR BUFFERS IDENTIFIED OR NOT IDENTIFIED HEREON

PROPERTY IS SUBJECT TO RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE WATER OF CREEKS AND BRANCHES CROSSING OR ADJOINING SUBJECT PROPERTY AND THE NATURAL FLOW THEREOF, FREE FROM DIMINUTION

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR FINTITY

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON -EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY

TERRAMARK LAND SURVEYING, INC. WAS UNABLE TO DETERMINE THE EXTENT OF PIPES MARKED AS APPROXIMATE DIRECTION ONLY. AFORESAID PIPE IS DRAWN ON THE SURVEY TO REFLECT THE OBSERVED DIRECTION BASED UPON A VISUAL INSPECTION OF THE STRUCTURE ONLY AND IS SHOWN FOR INFORMATIONAL PURPOSES.

AS OF THE DATE OF FIELDWORK SHOWN HEREON, THERE WERE NO OBSERVED WETLANDS MARKED ON THE SURVEYED PROPERTY

AS OF THE DATE OF FIELDWORK SHOWN HEREON, THERE WERE NO OBSERVED CEMETERIES OR BURIAL GROUNDS ON THE SURVEYED PROPERTY.

## TITLE NOTES

SURVEYED PROPERTY HAS DIRECT PEDESTRIAN AND VEHICULAR ACCESS TO THE PUBLIC RIGHTS OF WAY OF ASHFORD DUNWOODY ROAD AND PERIMETER CENTER EAST.

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE INSPECTION REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-37580, HAVING AN EFFECTIVE DATE OF APRIL 10, 2019 AT 5:00 P.M. AND REVEALING HE FOLLOWING ENCUMBRANCES:

G. PERMIT FOR ANCHORS, GUY POLES AND WIRES FROM GEARON AND COMPANY, INC. TO GEORGIA POWER COMPANY, DATED JULY 21, 1969, RECORDED IN DEED BOOK 2447, PAGE 824, RECORDED AMONG THE LAND RECORDS OF DEKALB COUNTY, GEORGIA. (APPEARS TO AFFECT SURVEYED PROPERTY – UNABLE TO PLOT, BLANKET IN NATURE)

\*NOTE BY LETTER DATED JANUARY 23, 2007, THE GEORGIA POWER COMPANY CLAIMS NO FURTHER INTEREST IN THE ABOVE-MENTIONED EASEMENT, EXCEPT THE RIGHT TO OPERATE, MAINTAIN, REBUILD AND RENEW ITS EXISTING FACILITIES AND EQUIPMENT WITHIN ITS PRESENTLY MAINTAINED

H. EASEMENTS FROM PERIMETER CENTER ASSOCIATES TO GEORGIA POWER COMPANY, DATED JULY 7, 1971, FILED JULY 29, 1971, RECORDED IN DEED BOOK 2676, PAGE 635. AFORESAID RECORDS

(AFFECTS SURVEYED PROPERTY - SHOWN ON SURVEY)

\*\*NOTE BY LETTER DATED JANUARY 23, 2007, THE GEORGIA POWER COMPANY CLAIMS NO FURTHER INTEREST IN THE ABOVE-MENTIONED EASEMENT, EXCEPT THE RIGHT TO OPERATE, MAINTAIN, REBUILD AND RENEW ITS EXISTING FACILITIES AND EQUIPMENT WITHIN ITS PRESENTLY MAINTAINED RIGHT-OF-WAY.

I. GRANT OF EASEMENTS BY AND AMONG METROPOLITAN LIFE INSURANCE COMPANY, A NEW YORK CORPORATION, AND TAYLOR & MATHIS ENTERPRISES, LP, A GEORGIA LIMITED PARTNERSHIP, AND BEACON PROPERTIES, LP, A DELAWARE LIMITED PARTNERSHIP, DATED FEBRUARY 15, 1996, FILED

FEBRUARY 20, 1996, RECORDED IN DEED BOOK 8871, PAGE 181, AFORESAID RECORDS; AS AMENDED BY THAT FIRST AMENDMENT TO GRANT OF EASEMENTS BY AND AMONG METROPOLITAN LIFE INSURANCE COMPANY, A NEW YORK CORPORATION, TAYLOR & MATHIS ENTERPRISES, LP, A GEORGIA LIMITED PARTNERSHIP AND BEACON PROPERTIES LP. A DELAWARE LIMITED PARTNERSHIP, DATED MARCH 7, 1997, FILED JULY 3, 1997, RECORDED IN DEED BOOK 9510, PAGE 723, AFORESAID RECORDS. (AFFECTS SURVEYED PROPERTY (SITE F) AND BENEFITS SURVEYED PROPERTY

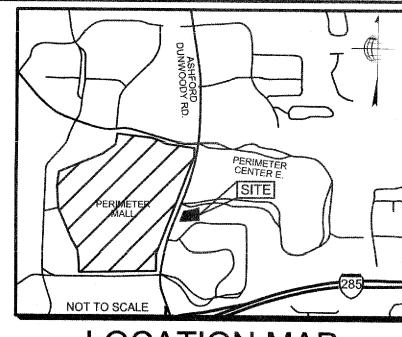
TRACT 21) - SHOWN ON SURVEY AS EASEMENT FOR COMMUNICATION AND UNDERGROUND ELECTRIC LINES SHOWN WITHIN SITE F; THERE WERE NO OBSERVED STORM WATER DRAINAGE, SANITARY SEWER OR WATER LINES OBSERVED ON SITE F) UNDERSIGNED SURVEYOR CANNOT OR DID NOT DETERMINE AT THE DATE OF THE PLAT SHOWN HEREON THAT ANY FIBER OPTIC LINES EXISTED AT THE TIME OF THE GRANT OF EASEMENTS REFERENCED ABOVE.

J. PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT FOR CONSTRUCTION OR IMPROVEMENT OF SIDEWALKS AND TRANSPORTATION IMPROVEMENTS BY EOP PERIMETER CENTER, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, TO DEKALB COUNTY, GEORGIA, DATED MARCH 6, 2003, FILED APRIL 11, 2003, RECORDED IN DEED BOOK 14336, PAGE 555, AFORESAID RECORDS. (AFFECTS SURVEYED PROPERTY (TRACT 21) - SHOWN ON SURVEY

THE SURVEYED PROPERTY IS THE SAME AS REFERENCED IN THE TITLE INSPECTION REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 2-37580, HAVING AN EFFECTIVE DATE OF APRIL 10, 2019 AT 5:00 P.M.

### REFERENCE **MATERIAL**

- LIMITED WARANTY DEED TO JSJ PERIMETER LLC RECORDED IN DB. 27590 PG. 616 AMONG THE LAND RECORDS OF DEKALB COUNTY, GEORGIA
- . QUITCLAIM DEED TO JSJ PERIMETER LLC RECORDED IN DB. 27590 PG. 621, AFORESAID RECORDS
- ALTA/ACSM LAND TITLE SURVEY FOR MARRIOTT INTERNATIONAL, INC., ITS SUCCESSORS AND ASSIGNS. RENAISSANCE HOTEL OPERATING COMPANY, ITS SUCCESSORS AND ASSIGNS, KIMLEY-HORN AND ASSOCIATES, INC., RB 84 PC, LLC, AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED FEBRUARY 11, 2008 AND LAST REVISED JUNE 6, 2008
- ALTA/NSPS LAND TITLE SURVEY FOR BRANCH ACQUISTIONS, LLC & FIRST AMERICAN TITLE INSURVANCE COMPANY PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED MAY 01, 2017
- ALTA/NSPS LAND TITLE AND TOPOGRAPHIC SURVEY FOR JSJ PERIMETER, LLC AND FIRST AMERCIAN TITLE INSURANCE COMPANY PREPARED BY TERRAMARK LAND SURVEYING, INC DATED MAY 30, 2019



# **LOCATION MAP**

### SPECIAL NOTES

CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS. THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

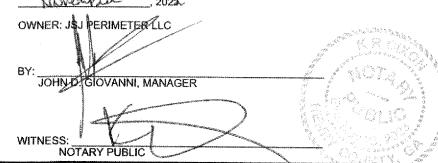
SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE

PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

## **OWNERS AFFIDAVIT**

I. JOHN DIGIOVANNI, MANAGER OF JSJ PERIMETER LLC THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS. THE OWNER FURTHER RELEASES AND HOLDS HARMLESS THE CITY OF DUNWOODY FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS-DRAINS, CULVERTS, WATERMAINS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR THE CHANGING OF COURSES OF STREAMS. AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT THE CITY OF DUWOODY SHALL NOT BE LIABLE TO HIM, HIS HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DRIVES, STRUCTURES, STREETS, CULVERTS CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS. ALL ROADS HAVE BEEN PROPERLY DESIGNED TO ACCOMMODATE ANY REQUIRED PARKING IN

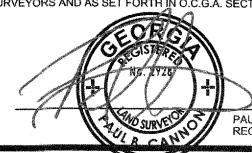
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS DAY OF November , 2022



# SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON, SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL.

FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



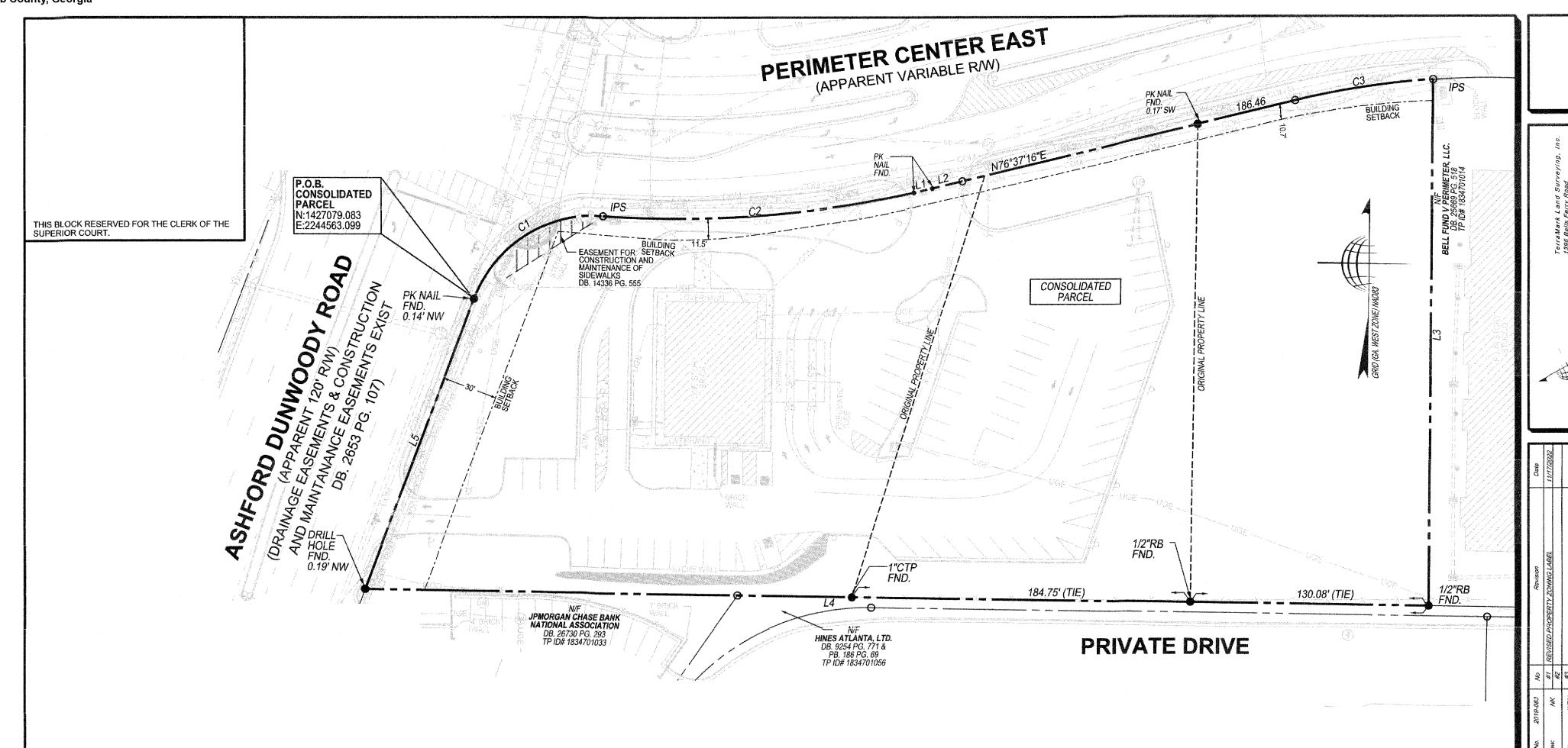
PAUL B. CANNON, RLS REGISTERED NUMBER: 2928

Gray Mark

LC, REA HDISTR ATION ETER, LI CENTER JSJ PERIME
PERIMETER (
SATED IN LAND LOT
CITY OF DUR OS O 5 **84** LOC.

SHEET NO. DRAWING# TM 19-083

Packet page:



## **CONSOLIDATED PARCEL DESCRIPTION**

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

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

- 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence, 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found;
- North 77°07'17" East, 10.35 feet to a PK Nail Found; thence,
  North 76°37'17" East, 203.35 feet to a point; thence,
  76.24 feet along the arc of a curve deflecting to the right, having a radius of 454.47 feet
  and a chord bearing and distance of North 81°25'49" East, 76.15 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with property now or formerly owned by Bell Fund V Perimeter, LLC, per Deed Book
- 25669, Page 518, recorded among the Land Records of Dekalb County, Georgia South 00°30'14" West, 283.88 feet to a 1/2-inch rebar found; thence, leaving the aforesaid property of Bell Fund V Perimeter, LLC and running with property now or formerly owned by Hines Atlanta, LTD, per Deed Book 9254, Page 771, aforesaid records and property now or formerly owned by JPMorgan Chase Bank National Association per Deed Book 26730, Page 293, aforesaid records
- North 89°02'06" West, 580.50 feet to a point on the aforesaid Right-of-Way of Ashford Dunwoody Road; thence, leaving the aforesaid property of Dekalb County, Georgia and running with the said Right-of-Way Line of Ashford Dunwoody Road
- North 20°49'21" East, 167.24 feet to the POINT OF BEGINNING, containing 124,819 square feet or 2.8654 acres of land, more or less

## **LEGEND**

V. A. Control of the	777777777777777777777777777777777777777
	CURB AND GUTTER (C&G) FENCE
······································	HANDRAIL
	STORM DRAIN LINE
s	SANITARY SEWER
	OVERHEAD POWER LINE
	PROPERTY LINE
HEAL	DROP INLET (DI)
B	JUNCTION BOX (JB)
<b>S</b>	SS MANHOLE (MH)
0	CLEAN OUT (CO)
<b>0</b>	GREASE TRAP (GT)
a	FIRE HYDRANT (FH)
M	WATER VALVE (WV)
W	WATER METER (WM)
Ω	FIRE DEPT. CONNECTION (FDC)
M	ELECTRIC UTILITY
*	LIGHT POLE (LP)
61	POWER POLE WITH LIGHT
Ø	POWER POLE (PP)
(M)	UTILITY MANHOLE (UM)
G	GAS METER (GM)
COM	COMMUNICATION BOX

## SITE INFORMATION

CURRENT OWNER: JSJ PERIMETER, LLC. DB. 27590 PG. 616 DB. 27590 PG. 621

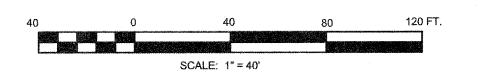
TAX PARCEL ID # 1834701013, 1834701028 & 1834701021

ADDRESS: 84 PERIMETER CENTER EAST. 130 PERIMETER CENTER EAST & 140 PERIMETER CENTER EAST

ZONING: PC-2c (PERIMETER CENTER 2 WITH CONDITIONS) JURISDICTION: CITY OF DUNWOODY

PARKING COUNT:

REGULAR PARKING -HANDICAPPED PARKING -TOTAL PARKING COUNT -





## LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77° 07' 17" E	10.35
L2	N 76° 37' 17" E	16.89'
L3	S 00° 30' 14" W	283.88'
L4	N 89° 02' 06" W	580.50
L5	N 20° 49' 21" E	167.24'

## **CURVE TABLE**

SEGMENT	ARC	RADIUS	BEARING	CHORD
C1	89.42'	70.00*	N 57°28'01" E	83.46*
C2	170.90°	595.95	N 85°53'52" E	170.31
C3	76.24	454.47'	N 81°25'49" E	76.15'

## SURVEYED AREA TABLE

**CONSOLIDATED LOT AREA=** 124,819 SQ.FT. OR 2.8654 AC.

SHEET NO. 2 DRAWING# TM 19-083

LOT CONSOLIDATION PLAT
FOR
JSJ PERIMETER, LLC,
(84 PERIMETER CENTER EAST)
LOCATED IN LAND LOT 347, 18TH DISTRICT
CITY OF DUNWOODY
DEKALB COUNTY, GEORGIA

Packet page:...

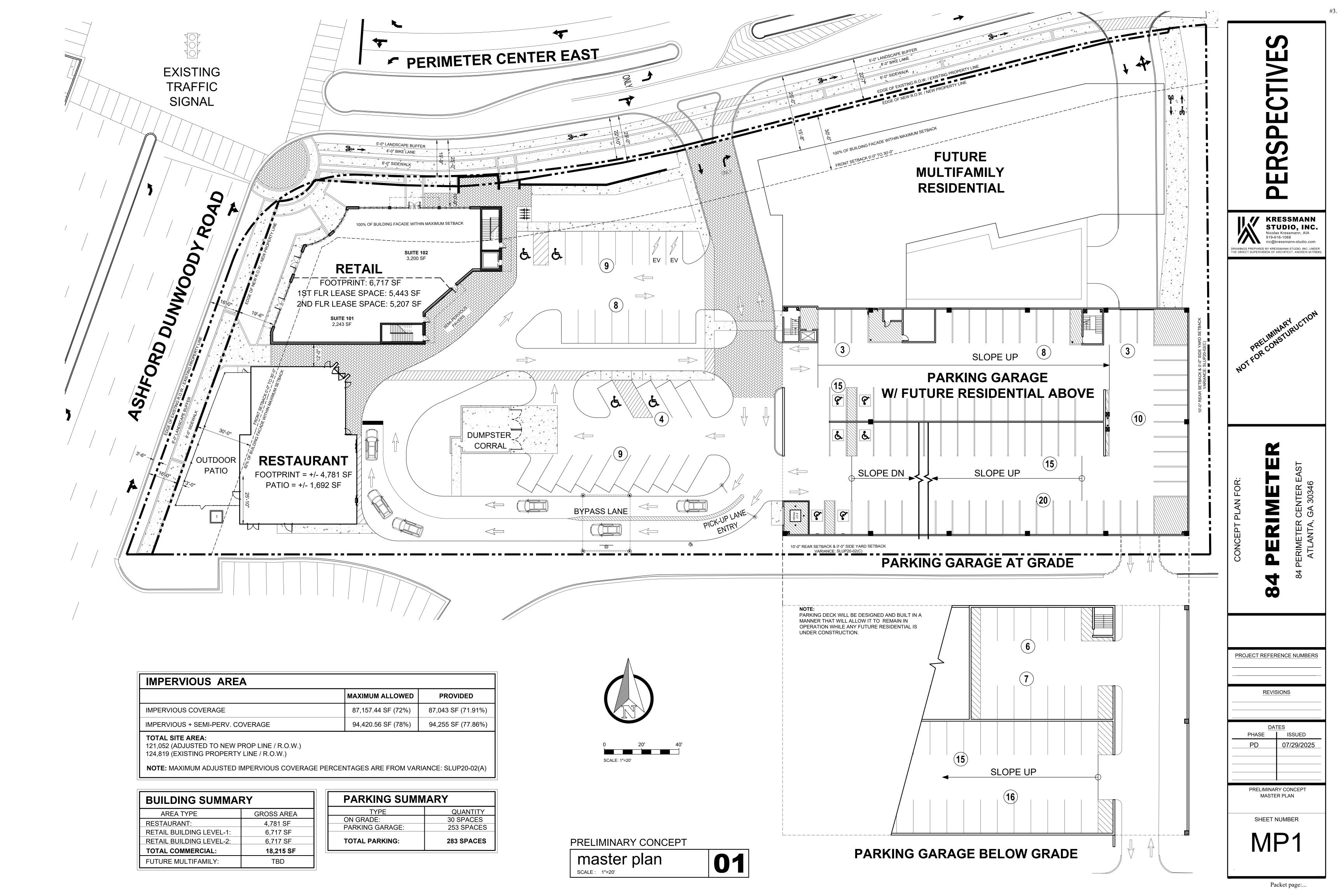
# CONSOLIDATED PARCEL DESCRIPTION

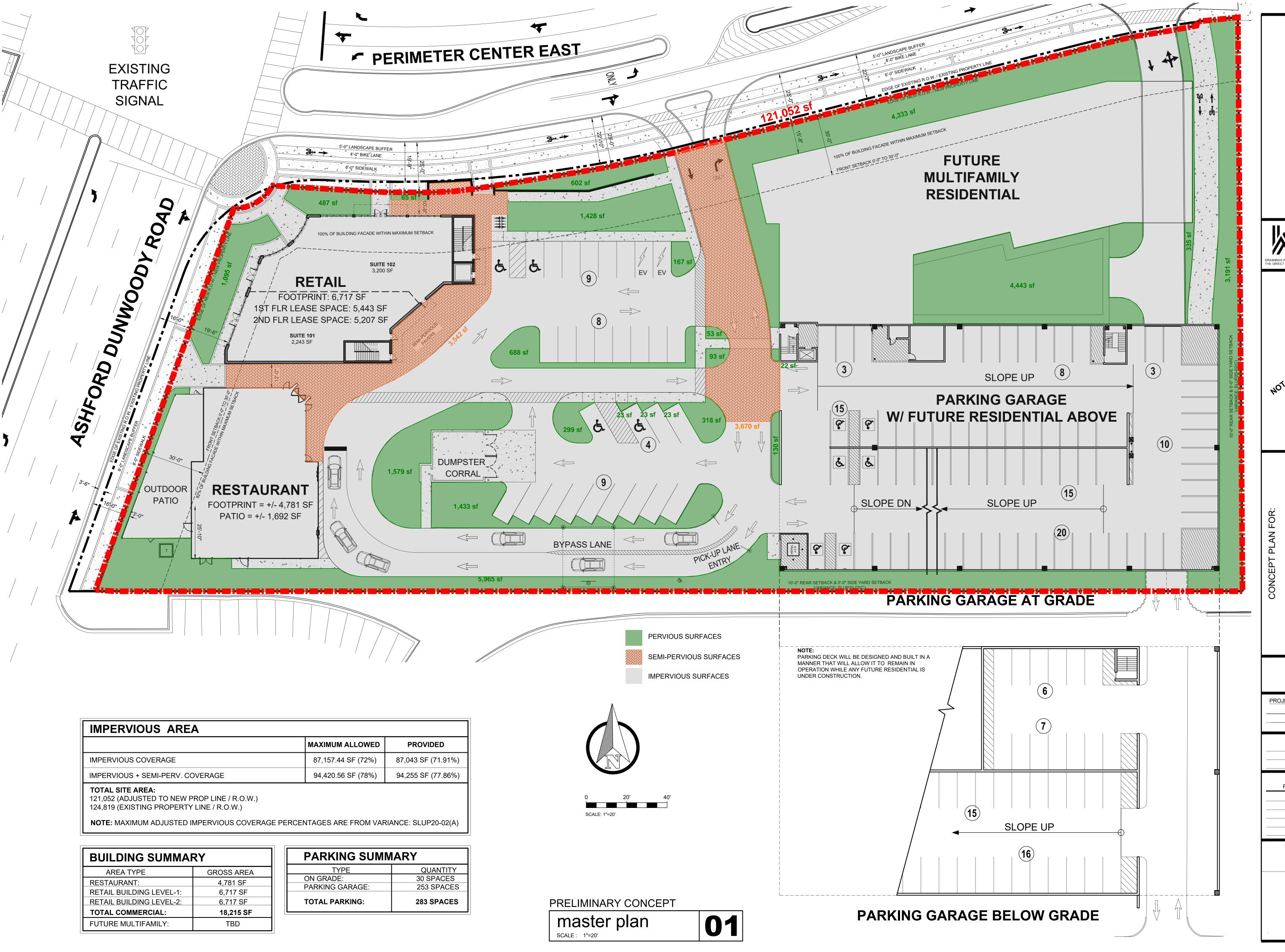
All that tract or parcel of land lying and being in Land Lot 347, 18th District, Dekalb County, Georgia and being more particularly described as follows:

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

- 89.42 feet along the arc of a curve deflecting to the right, having a radius of 70.00 feet and a chord bearing and distance of North 57°28'01" East, 83.46 feet to a point; thence,
- 170.90 feet along the arc of a curve deflecting to the left, having a radius of 595.95 feet and a chord bearing and distance of North 85°53'52" East, 170.31 feet to a PK Nail Found; thence.
- 3. North 77°07'17" East, 10.35 feet to a PK Nail Found; thence,
- 4. North 76°37'17" East, 203.35 feet to a point; thence,
- 5. 76.24 feet along the arc of a curve deflecting to the right, having a radius of 454.47 feet and a chord bearing and distance of North 81°25'49" East, 76.15 feet to a point; thence, leaving the aforesaid Right-of-Way Line of Perimeter Center East and running with property now or formerly owned by Bell Fund V Perimeter, LLC, per Deed Book 25669, Page 518, recorded among the Land Records of Dekalb County, Georgia
- South 00°30'14" West, 283.88 feet to a 1/2-inch rebar found; thence, leaving the aforesaid property of Bell Fund V Perimeter, LLC and running with property now or formerly owned by Hines Atlanta, LTD, per Deed Book 9254, Page 771, aforesaid records and property now or formerly owned by JPMorgan Chase Bank National Association per Deed Book 26730. Page 293. aforesaid records
- North 89°02'06" West, 580.50 feet to a point on the aforesaid Right-of-Way of Ashford Dunwoody Road; thence, leaving the aforesaid property of Dekalb County, Georgia and running with the said Right-of-Way Line of Ashford Dunwoody Road
- North 20°49'21" East, 167.24 feet to the POINT OF BEGINNING, containing 124,819 square feet or 2.8654 acres of land, more or less

# SITE PLAN





ERSPECTIVES

KRESSMANN
STUDIO, INC.
Nicolas Kressmann, AIA
919-616-1068
nic@kressmann-studio.com

DRAWINGS PREPARED BY KRESSMANN STUDIO, INC. UNDER
THE DIRECT SUPERVISION OF ARCHITECT, ANDREW IATRIDIS

NOT FOR CONSTURUCTION

PERIMETER CENTER EAST

PROJECT REFERENCE NUMBERS

0

REVISIONS

PHASE ISSUED
PD 07/29/2025

PRELIMINARY CONCEPT MASTER PLAN

SHEET NUMBER

MP1

Packet page:...

CONCEPT BUILDING MASSINGS


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
MP2

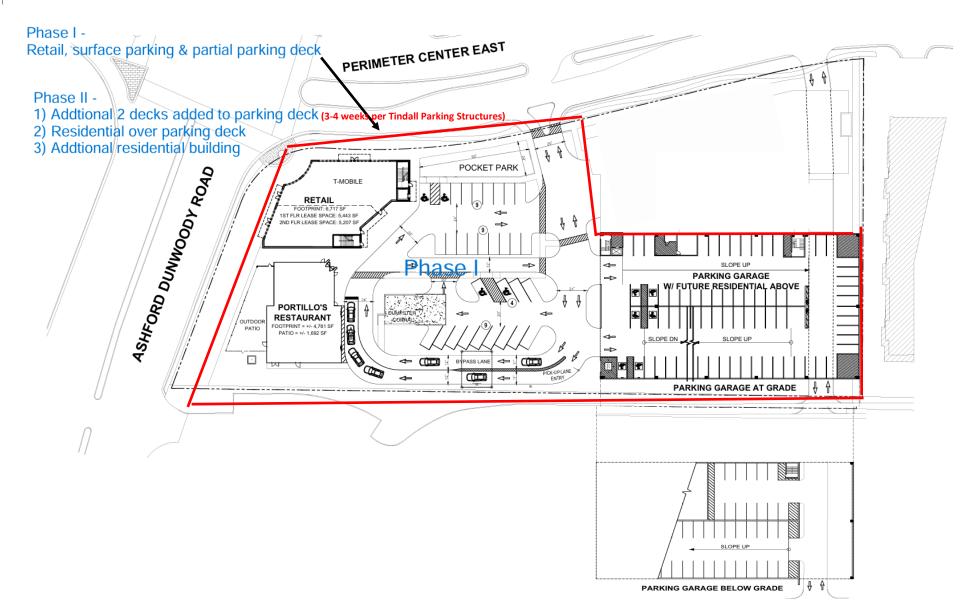
FUTURE RESIDENTIAL FUTURE RESIDENTIAL CONCEPT 3D MASSING (FACING NORTHEAST) 03

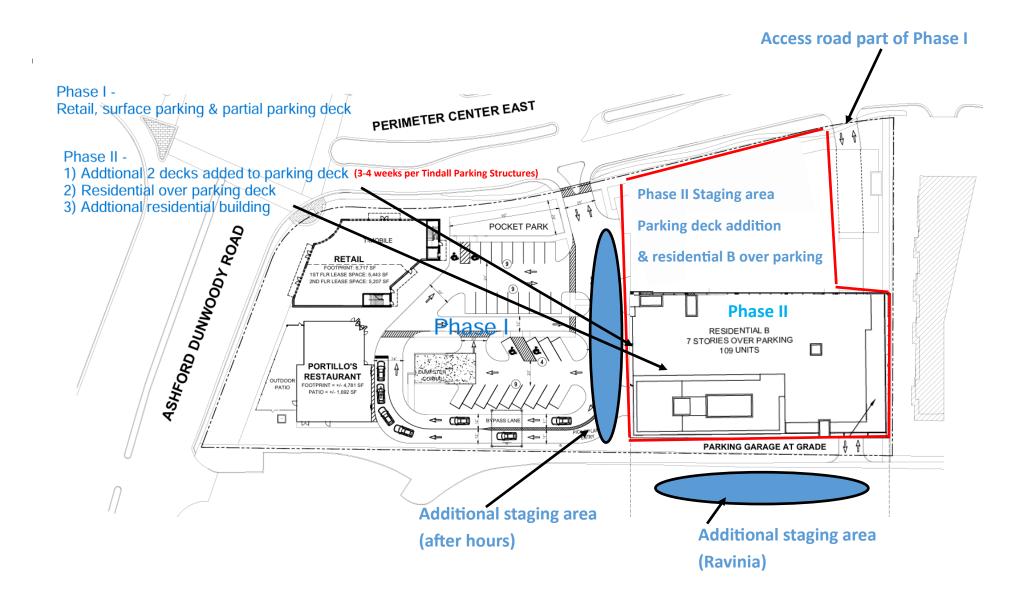
CONCEPT SITE SECTION WITH PARKING GARAGE (FACING NORTH) 01

CONCEPT 3D MASSING (FACING SOUTHEAST) 02









#### **Additional residential** Phase I -PERIMETER CENTER EAST Retail, surface parking & partial parking deck Phase II -1) Addtional 2 decks added to parking deck (3-4 weeks per Tindall Parking Structures) 2) Residential over parking deck3) Additional residential building FUTURE RESIDENTIAL ASHFORD DUNWOODY ROAD POCKET PARK Phase II T-MOBILE RETAIL FOOTPRINT: 6,717 SF 1ST FLR LEASE SPACE: 5,443 SF 2ND FLR LEASE SPACE: 5,207 SF Phase RESIDENTIAL B 7 STORIES OVER PARKING 109 UNITS PORTILLO'S RESTAURANT FOOTPRINT = +/- 4,781 SF PATIO = +/- 1,692 SF CORRAL 1 PARKING GARAGE AT GRADE

**Staging area (street closure)** 

## **SITE PHOTOS**









## STATEMENT OF INTENT

#### SECOND AMENDED STATEMENT OF INTENT

and

Other Material Required by
City of Dunwoody Zoning Ordinance
For the
Special Land Use Permit and Major Modification Applications

Of

#### JSJ PERIMETER LLC

for

±2.87 Acres of Land located in Land Lot 347, 18th District, DeKalb County, City of Dunwoody (18 347 01 013; 18 347 01 021; 18 347 01 028) 84 Perimeter Center East Dunwoody, Georgia 30338

Submitted for Applicant by:

Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309

#### I. <u>INTRODUCTION</u>

The Applicant seeks (a) a Special Land Use Permit ("SLUP") and (b) a Major Modification for ±2.87 acres of land located in Land Lot 347, 18th District of DeKalb (the "Subject Property"). The Subject Property is in the southeast quadrant of the intersection of Perimeter Center East and Ashford Dunwoody Road, zoned Perimeter Center-2 (PC-2) and designated on the City's Future Land Use Map as within the Perimeter Center Character Area. The site is currently developed with a vacant, ±4,098 square foot bank building with a drive-through and a large parking field.

The Subject Property has been through multiple, significant rezonings going back to at least 2008 (See, e.g., Dekalb County Zoning Cases Z-08-14825 and SLUP-08-14791). Those rezonings have permitted hotel, multi-family, office and restaurant uses, among others. Currently, the Subject Property is entitled for a mixed-use development with approximately 40,000 square feet of commercial space, a 14-story multi-family building and structured parking (RZ23-02 & SLUP 23-03). It also is subject to 26 zoning conditions, one of which requires that 80% of the multi-family building be "age-restricted". The City approved the current entitlements in March of 2021 (RZ20-03; SLUP 20-02(A)-(D)) <sup>1</sup>

A restaurant brand named Portillo's recently approached the owner of the Subject Property, proposing to construct a +/- 4,781 square foot, standalone restaurant on the Subject Property's west side. Portillo's is legendary in the Midwest. In 1963, Dick Portillo invested \$1,100 into a small trailer to open the first Portillo's hot dog stand in Villa Park, Illinois, which he called "The Dog House." In the decades since, Portillo's has become synonymous with Chicago. The restaurant is famous for its Chicago-style hot dogs, Italian beef sandwiches and Maxwell Street Polish, a grilled

<sup>&</sup>lt;sup>1</sup> The March 2021 entitlement included a condition that required the developer to apply for "a land disturbance permit...within two years of the date of the zoning approval." Given economic conditions, the Applicant filed an application in July of 2023 (RZ23-02) simply to remove the permit filing deadline. That was the only modification.

sausage served with grilled onions. Portillo's is also famous for creating memorable dining experiences through its energetic atmosphere and unique decor.

Portillo's plans to construct on the Subject Property its newly-developed prototype, and one of the first in the State of Georgia. Among other things, the building will have a two-story facade and significant amounts of glazing, as well as painted brick and metal. Portillo's will also have a large, outdoor dining area fronting Ashford Dunwoody Road.

Portillo's operating plan requires both indoor dining as well as an enhanced, non-traditional dual lane drive-thru. Staff has informed the Applicant that while a restaurant is allowed by right, the drive-thru will require a SLUP. Portillo's does not consider itself a typical drive-through restaurant, though. It is predominantly a family-oriented, sit-down restaurant and the majority of its revenue comes from on-site dining; Portillo's estimates that only 30-40% of its business will come from the drive-thru lanes. In contrast, a typical quick service restaurant like Chick-Fil-A derives twice that, or roughly 60-80% of its income, through the drive-thru window. During normal mealtimes, Portillos employees will greet customers and take their orders on an I-pad instead of the traditional speaker. The food is then delivered to the customers in the drive-thru lanes via a walkout door, in the order that it is ready, rather than through a pick up window by order of service. To help with the traffic flow, Portillo's provides two drive-thru lanes that are used to help navigate customers in an efficient manner from point of order to point of service. During inclement weather, customers will utilize the menu board ordering feature, but the food will still be delivered through the walkout door to the customer. In an effort to help conform to the code and provide a more enhanced frontage, the drive-thru lanes are completely hidden behind the building, outside of any view from Ashford Dunwoody Road, and all of the stacking is internal to the development. To further insulate the drive-thru from Perimeter Center East, the Applicant is

proposing new public park space on that roadway's frontage, separated from the activity on site by a wall that can be planted or decorated with a mural. Additionally, Portillo's understands the desire for a walkable, pedestrian friendly environment and has provided sidewalks that connect directly to the patio and have placed the building and patio in a manner to help promote this vision for Perimeter Center.

The Applicant files this request for (a) a SLUP to allow for the drive-thru use and (b) major modification to substitute the currently approved site plan with the plan filed herewith. The Applicant submits this document as a Letter of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and an analysis of the SLUP and Major Modification considerations listed in the City of Dunwoody Zoning Ordinance, §§ 27-337 and 27-359. A site plan and survey have been filed with the Application, along with other required materials.

#### II. <u>IMPACT ANALYSIS</u>

## A. WHETHER THE PROPOSED USE IS CONSISTENT WITH THE POLICIES OF THE COMPREHENSIVE PLAN.

Yes. The Subject Property is located within the Perimeter Center Character Area of the City of Dunwoody 2020-2040 Comprehensive Plan ("Comp Plan") and within the Perimeter Center Overlay under the Code. The City's Future Land Use Map designates the Subject Property as "Perimeter Center." The Comp Plan describes the Perimeter Center Character Area 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. The area will serve as a regional example of high-quality design standards consistent with this vision. The Applicant is proposing a flagship of the Portillo's brand. The restaurant will incorporate high-quality design standards, including a unique architectural design, enhanced façade materials and an outdoor dining area, as

demonstrated by the elevations submitted with this Application. Further, there is no curb cut on Ashford-Dunwoody Road, and the curbside pick operation has been designed to operate out of public view, making it consistent with the Perimeter Center Character Area. Hence, the proposed redevelopment will further the following stated policies of the Comprehensive Plan:

- Promoting redevelopment that "creates the conditions of possible true 'live-work' environment;"
- Continuing to emphasize high quality design standards and building materials;
- Providing entertainment venues; and
- Creating new parks and gathering spaces.<sup>2</sup>

The Applicant's proposal for the Subject Property serves to implement specific goals, objective and policies of the Comp Plan. The proposed use, therefore, is suitable vis-a-vis the policies of the Comprehensive Plan.

### B. WHETHER THE PROPOSED USE COMPLIES WITH THE REQUIREMENTS OF THIS ZONING ORDINANCE.

Yes. The restaurant use is allowed with a SLUP. The Applicant's proposed design will comply with the requirements of the PC-2 district and the Perimeter Center Overlay, and no variances are anticipated as a part of this Application.

# C. WHETHER THE PROPOSED SITE PROVIDES ADEQUATE LAND AREA FOR THE PROPOSED USE, INCLUDING PROVISION OF ALL REQUIRED OPEN SPACE, OFF-STREET PARKING AND ALL OTHER APPLICABLE REQUIREMENTS OF THE SUBJECT ZONING DISTRICT.

Yes. The Subject Property is  $\pm$  2.87 acres. The City has already approved a mixed-use development on the site that consists of  $\pm$ 40,000 square feet of commercial space, a 14-story multi-family building and structured parking, concluding that the site has adequate land area for that

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<sup>&</sup>lt;sup>2</sup> See City of Dunwoody 2020-2040 Comprehensive Plan, pgs. 31-32.

magnitude of intensity. Through this application, the Applicant is reducing the amount of commercial space by more than 50%, staying below the square footage and other thresholds established by the current entitlement.

## D. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT PROPERTIES AND LAND USES, INCLUDING CONSIDERATION OF:

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

No. The Subject Property is adjoined by similar uses and will not create any adverse impacts due to noise, smoke, odor, dust, or vibration.

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

No. Hours of use will mirror those of the existing businesses in the surrounding Perimeter Center area.

3. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

No. Restaurant uses have coexisted with the office, hotel and commercial in Perimeter Center for many years with no adverse impact on the surrounding properties.

4. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;

No. The City considered potential impacts on adjoining land uses by reason of both the character of vehicles and the volume of traffic when it approved the current entitlements on the Subject Property. Because of the reduction in commercial square footage, the impacts from the uses proposed will be less than those permitted under the current entitlement.

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

Yes. The proposed buildings are appropriate in terms of its size, scale and massing compared to other buildings in Perimeter Center and consistent with the current entitlement.

6. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

No. The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts.

E. WHETHER PUBLIC SERVICES, PUBLIC FACILITIES AND UTILITIES—INCLUDING MOTORIZED AND NONMOTORIZED TRANSPORTATION FACILITIES—ARE ADEQUATE TO SERVE THE PROPOSED USE.

Yes. The instant proposals for the site will have no more effect on city streets and infrastructure than the current entitlement. It also will meet the streetscape, bike lane and other requirements imposed with the current entitlement. Finally, there is sufficient utility, water, and sewer capacity to supply the Subject Property.

F. WHETHER ADEQUATE MEANS OF INGRESS AND EGRESS ARE PROPOSED, WITH PARTICULAR REFERENCE TO NON-MOTORIZED AND MOTORIZED TRAFFIC SAFETY AND CONVENIENCE, TRAFFIC FLOW AND EMERGENCY VEHICLE ACCESS.

The proposed development contemplates no access to the Subject Property from Ashford Dunwoody Road. Instead, and as with the current entitlement, access is limited to Perimeter Center East using curb cuts that the City has already sanctioned. Furthermore, the Applicant will comply will the Dunwoody Code's requirements for stacking and the drive-through lane design.

## G. WHETHER ADEQUATE PROVISION HAS BEEN MADE FOR REFUSE AND SERVICE AREAS.

Yes. See the site plan submitted.

## H. WHETHER THE PROPOSED BUILDING AS A RESULT OF ITS PROPOSED HEIGHT WILL CREATE A NEGATIVE SHADOW IMPACT ON ANY ADJOINING LOT OR BUILDING.

No. The proposed building heights will not deviate from the current entitlement. By approving those heights previously, the City has already concluded that there will be no negative shadow impact on adjoining lots or buildings caused by this development.

#### III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the City of Dunwoody City Council's refusal to approve the proposed Special Land Use Permit and Major Modification would be unconstitutional and would be an unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Major Modification and-Special Land Use Permit and Major Modification would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Special Land Use Permit and Major Modification would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Major Modification and Special Land Use Permit would be invalid inasmuch as the Zoning Ordinance of the City of Dunwoody is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

The City of Dunwoody Zoning Ordinance lacks adequate standards for the City of Dunwoody City Council's to exercise its power to review these Applications. Specifically, some of the "criteria" are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated criteria (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the City of Dunwoody City Council is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

#### IV. CONCLUSION

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

This 1<sup>st</sup> day of August, 2025.

Respectfully submitted,

Dennis J. Webb, Jr.

J. Alexander Brock Attorney for Applicant

Smith, Gambrell & Russell, LLP 1105 W. Peachtree Street, NE Suite 1000 Atlanta, Georgia 30309 404-815-3500

# ENVIRONMENTAL SITE ANALYSIS

#### MEMORANDUM

TO: City of Dunwoody, Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209)

Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

DATE: May 2, 2025, Amended August 1, 2025

RE: First Amended Environmental Site Analysis – 84 Perimeter Center East

#### 1) CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Subject Property is located within the Perimeter Center Character Area of the City of Dunwoody 2020-2040 Comprehensive Plan ("Comp Plan") and within the Perimeter Center Overlay under the Code. The City's Future Land Use Map designates the Subject Property as "Perimeter Center." The Comp Plan describes the Perimeter Center Character Area 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. The area will serve as a regional example of high-quality design standards." The restaurant proposed will incorporate high-quality design standards, including a unique architectural design, enhanced façade materials and an outdoor dining area. Further, the curbside pick operation has been designed to operate out of public view, making it consistent with the Perimeter Center Character Area. Hence, the proposed redevelopment will further the following stated policies of the Comprehensive Plan:

- Promoting redevelopment that "creates the conditions of possible true 'live-work' environment;"
- Continuing to emphasize high quality design standards and building materials;
- Providing entertainment venues; and
- Creating new parks and gathering spaces.

The Applicant's proposal for the Subject Property serves to implement specific goals, objective and policies of the Comp Plan. The proposed use, therefore, is suitable vis-a-vis the policies of the Comprehensive Plan.

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<sup>&</sup>lt;sup>1</sup> See City of Dunwoody 2020-2040 Comprehensive Plan, pg. 31.

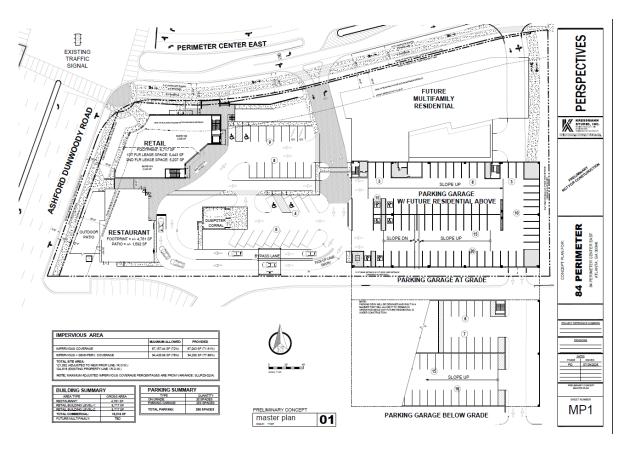


Figure 1. Site Plan

#### 2) ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

#### a) Wetlands

There are no wetlands on or adjacent to the Subject Property as indicated by the U. S. Fish and Wildlife Service, National Wetlands Inventory Maps. The Proposed Development will have no impacts to any wetlands.

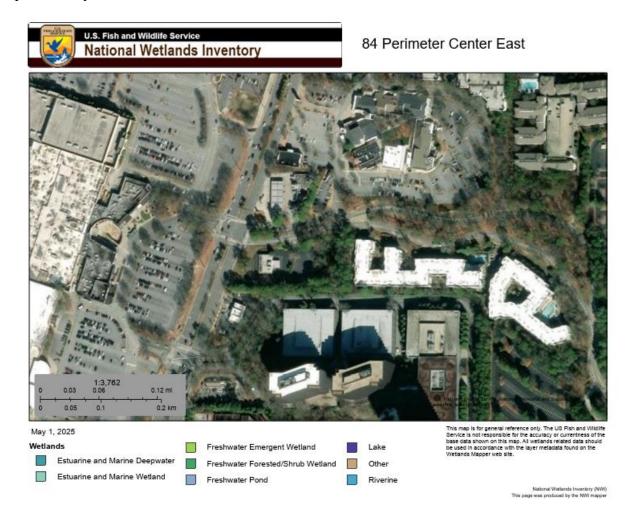


Figure 2. National Wetlands Inventory Map

#### b) Floodplain

No portion of the Subject Property lies within or adjacent to a floodplain as designated on the FEMA FIRM Map, Panel number 13089C0012K, effective August 15, 2019. The Proposed Development will not encroach into any portion of a floodplain.

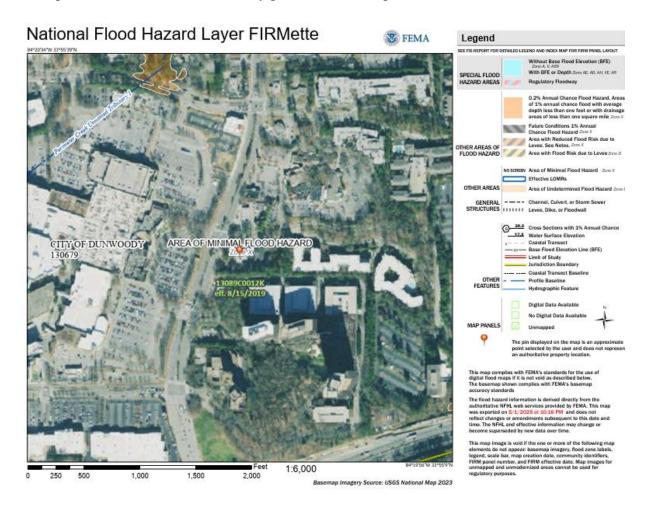


Figure 3. FEMA FIRM Panel

#### c) Streams/stream buffers

There are no streams on the Subject Property as indicated on the survey plat prepared by Terramark Land Surveying, Inc., dated 11/17/2022. The proposed development will not encroach into any stream buffers.

#### d) Slopes exceeding 25 percent over a 10-foot rise in elevation

Based on topographic information from Dunwoody GIS there are no slopes in excess of 25% over a 10-feet in rise on the Subject Property.

#### e) Vegetation

The project site currently developed and the remaining vegetation consists primarily of well-maintained landscaping. An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there is one plant native to the region that is endangered (Michaux's Sumac). This species was not found during the site visit conducted on May 1, 2025.

#### f) Wildlife Species (including fish)

An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there are several animals (Monarch Butterfly, Tricolored Bat, and Whooping Crane) native to the region that are endangered. None were found to be present or nesting at the project location during the site visit on May 1, 2025.

#### g) Archeological/Historical Sites

According to Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry. The site is currently developed with a building and associated parking.

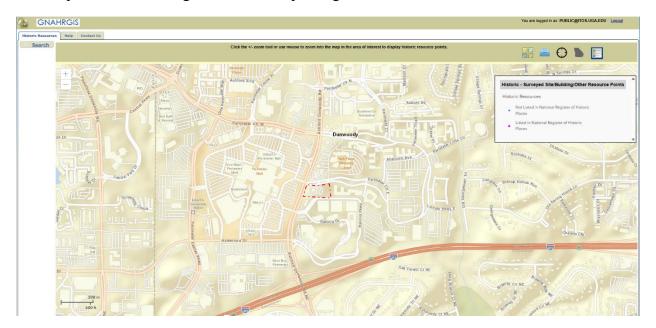


Figure 4. GNAHRGIS Map

#### 3) PROJECT IMPLEMENTATION MEASURES.

a) Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no environmentally sensitive areas identified on the Subject Property.

#### b) Protection of water quality

The Proposed Development will treat stormwater for pollutants prior to discharge from the site. The overall impact to the downstream stormwater infrastructure will be positive and an improvement over existing conditions.

#### c) Minimization of negative impacts on existing infrastructure

The Proposed Development has access to existing utilities with sufficient capacity to support the proposed use. The proposed use is not anticipated to overly burden existing utilities.

#### d) Minimization on archeological/historically significant areas

No archeological/historically significant areas were identified on or adjacent to the site and as a result no impacts are anticipated.

e) Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

There are no environmentally adverse conditions (waste treatment facilities, airports, landfills, etc.) and therefore, the Subject Property is not in an environmentally stressed area.

#### f) Creation and preservation of green space and open space

The proposed development will incorporate portions of the site for open space areas.

#### g) Protection of citizens from the negative impacts of noise and lighting

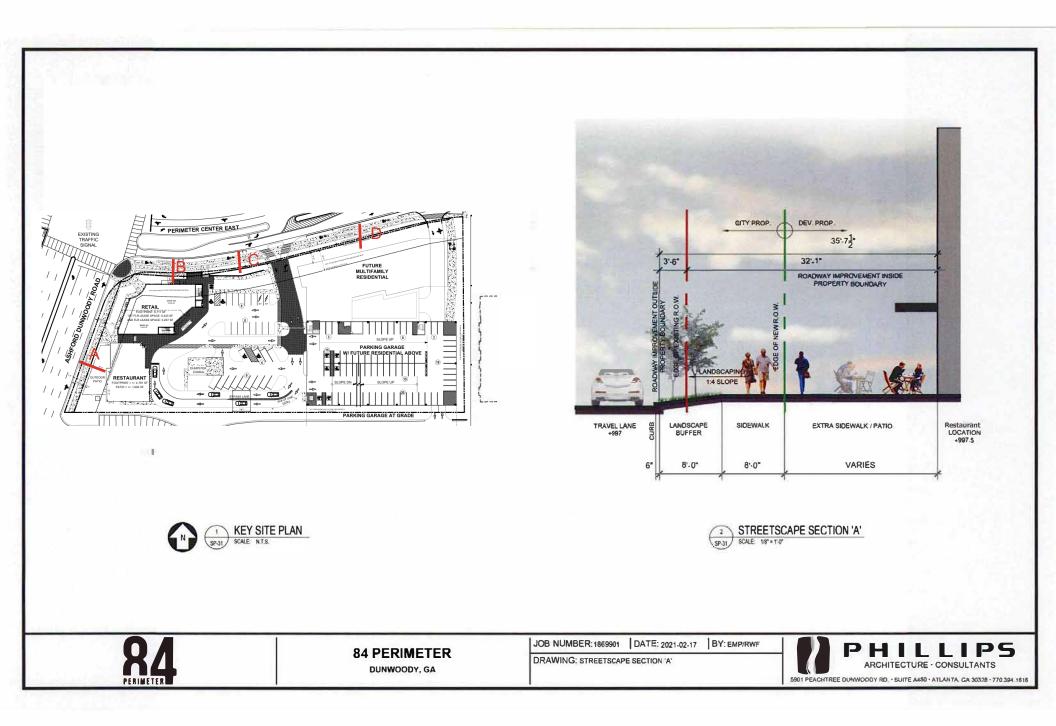
The Proposed Development will not have negative impacts on the surrounding uses as outlined in the accompanying Statement of Intent.

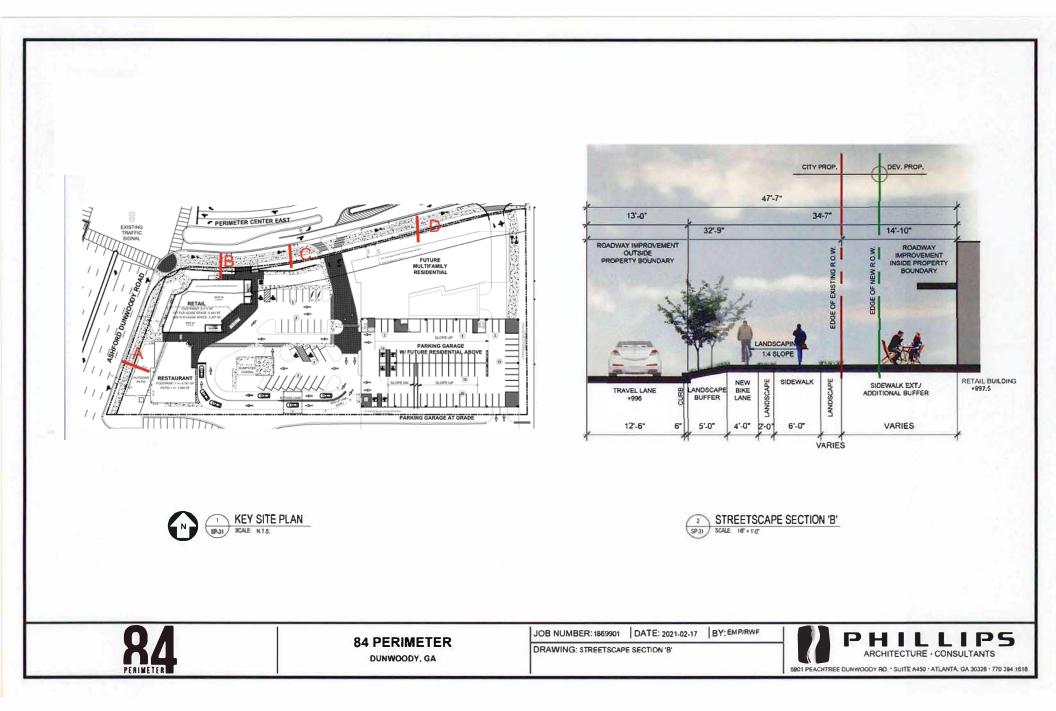
#### h) Protection of parks and recreational green space

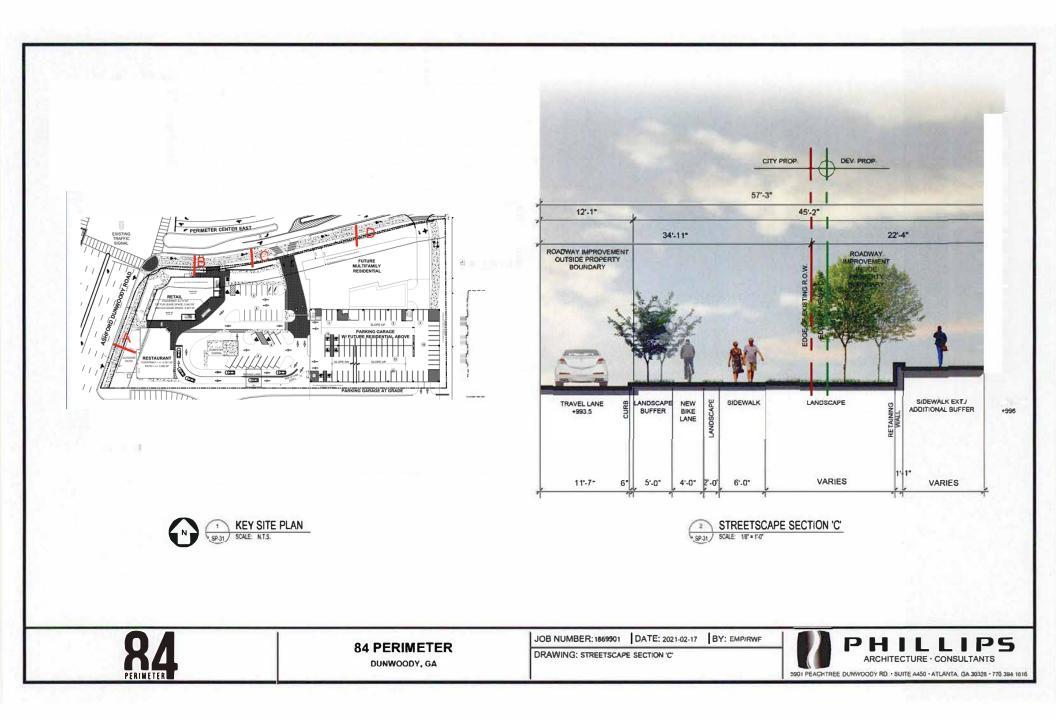
No existing parks will be impacted.

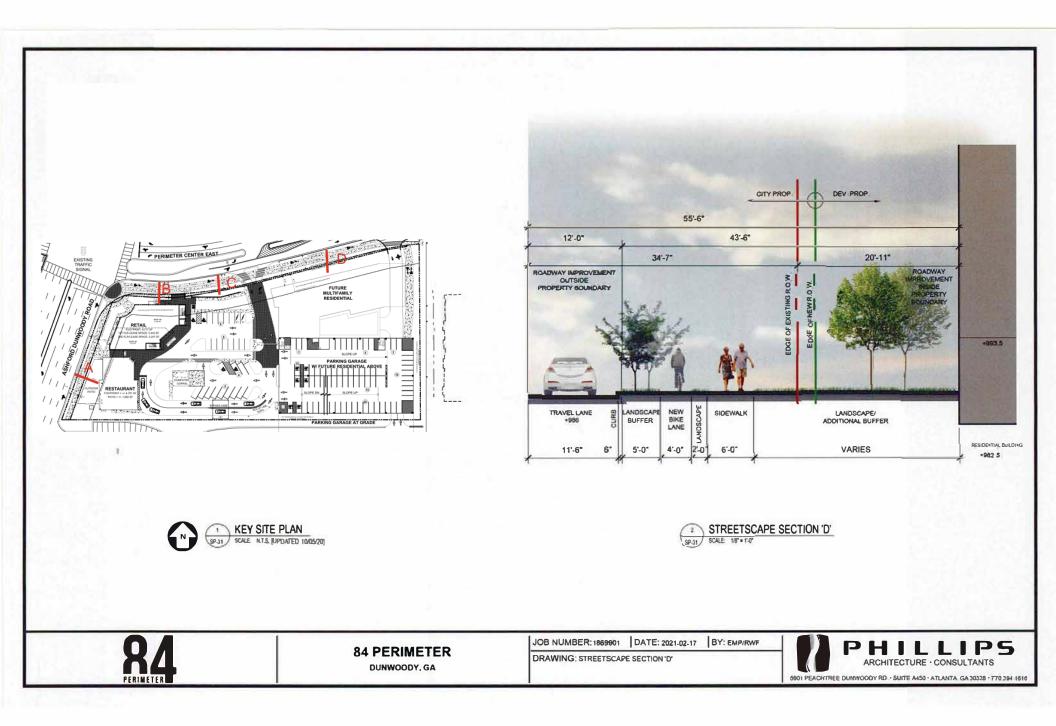
#### i) Minimization of impacts to wildlife habitats

No sensitive wildlife areas were observed during the May 1, 2025 site visit and as a result no impacts are anticipated.









#### **ORDINANCE 2025-XX-XX**

## AN ORDINANCE TO AMEND THE ZONING CONDITIONS OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 and 18 347 01 028 IN CONSIDERATION OF ZONING CASE RZ 25-05 (84 PERIMETER CENTER E)

**WHEREAS,** JSJ Perimeter Center LLC seeks a major modification to conditions of zoning of case RZ 23-02; and

**WHEREAS:** the properties, Tax Parcels 18 347 01 013, 18 347 01 031 and 18 347 01 028, are located on the southeastern side of Perimeter Center East at the intersection of Ashford Dunwoody Road, and consists of 2.86 acres; and

**WHEREAS,** the property is currently consisting of a one-story vacant building and a wooded lot along Perimeter Center East; and

**WHEREAS,** the Mayor and City Council find that the proposed use aligns with the Dunwoody Comprehensive Plan, which calls for the Perimeter Center District to be a livable, regional center with a mix of housing, first-class office and retail; and

**WHEREAS:** the Mayor and City Council have conducted a public hearing as required by the Zoning Procedures Act prior to adoption of this Ordinance.

**NOW THEREFORE,** THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY **ORDAIN AND APPROVE** THE MAJOR MODIFICATION TO THE CONDITIONS OF ZONING SUBJECT TO THE FOLLOWING CONDITIONS:

EXHIBIT A: Site plan, submitted July 29, 2025.

EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated

February 17, 2021.

EXHIBIT C: HUD Housing for Older Persons Regulations.

EXHIBIT D: Phasing Plan.

- 1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;
- 2. The owner shall construct the streetscaping in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works Director and Community Development Director;
- Final elevations of all proposed buildings shall meet the minimum requirements of the Perimeter Center Overlay and PC-2 zoning district requirements. Major façade materials shall include natural brick, natural stone and natural wood, hard coat stucco and glass, natural brick veneer or stone veneer materials and other high quality materials approved by the Community Development Director during the permit review process;

- Stamped brick and cultured stone, manufactured stone, or other imitation materials shall be prohibited. Synthetic EIFS may be used only as accents for cornices or other minor decorative elements;
- 5. Maximum impervious plus semi-pervious cover shall be 78% and include pedestrian or plaza areas, as shown on "Exhibit A";
- 6. No monument sign shall be constructed along the Ashford Dunwoody Road frontage. As an alternative, the owner is allowed one sign with a sign area up to 120 square feet attached to the building. The design of such signage shall be incorporated into the design of the building as approved by the Community Development Director during the site plan review process. Other building signage will be allowed in accordance with Section 20-57;
- 7. All trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid masonry wall at least eight feet in height;
- 8. Prior to certificate of occupancy, the owner shall pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist;
- 9. All utilities servicing the site shall be underground with the exception of required aboveground elements, such as transformers and cable boxes;
- 10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
- 11. Prior to the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk, bike lane, and landscape buffers along Ashford Dunwoody Road and Perimeter Center East;
- 12. Prior to the issuance of certificates of occupancy, the Owner will convey an easement on the eastern portion of the development sufficient to accommodate two travel lanes and two bicycle lanes to connect to adjacent property to the south. For the vehicular component, it will be responsibility of others to connect to this public easement outside of the property lines of the development. For the bicycle component, the Owner shall complete the physical connection to the adjacent property to the South prior to the issuance of certificates of occupancy unless the property owner of the adjacent property objects in writing.
- 13. There shall be no left turn lane into the western most driveway from Perimeter Center East into the development. Access at this driveway shall be restricted to right in and right out turns only;
- 14. The owner will contribute up to \$20,000 to extend the southbound turn lane for left turns from Ashford Dunwoody Road on to Perimeter Center East;
- 15. The uses on the site shall be limited to eating and drinking establishments, brokerage services, office, medical facilities, retail sales, lodging, personal improvement, office, non-traditional bank without a drive-thru such as a banking café, credit union, savings and loans, and laundry drop-off and pick-up service;
- 16. A crosswalk and pedestrian refuge shall be provided across Perimeter Center East on the northeastern corner of the property pursuant to approval of the Public Works Director;
- 17. The age-restricted rental building shall not exceed 14 stories in height;
- 18. Parking deck openings that face the apartment building to the east shall be shielded with landscaping and/or an architectural mesh, grille, screening or other cladding component that enhances the architectural character of the structure. The final design of the parking deck shall be subject to approval of the Community Development Director; and
- 19. The completed architectural design shall meet the requirements of the PC-2 District. Where both conflict, the requirements of the PC-2 district shall govern. The drawings

- shall be submitted by the Community Development Director to City Council for feedback prior to the issuance of a building permit.
- 20. Both residential and commercial uses are allowed at the street-facing ground floor level for a horizontal length of 100 feet from the eastern façade of the multi-family buildings. The street-facing ground level of the remainder of the building shall contain active uses for a minimum depth of 10 feet. Such active uses may include, but shall not be limited to, retail space, restaurants or other food sales, building leasing areas, resident lounges, lobbies, fitness centers, cycle training and cycle maintenance areas, live-work units, and residential stoops.
- 21. Ground-level retail spaces along Ashford-Dunwoody Road and Perimeter Center East shall have public entrances from the sidewalk that are kept open during business hours.
- 22. Balconies at the residential units shall have a minimum depth of 5 feet from the exterior wall.
- 23. Any pervious paver systems utilized on the subject site must conform with the site's soil percolation characteristics and the chosen engineered base and engineered subbase. An engineer who is GA Stormwater certified (GSWCC) will provide a letter at permitting testifying that, based on the manufacturer's specifications, the chosen engineered base and engineered sub-base, the proposed pervious paver systems and similar improvements counted towards the semi-pervious cover has sufficient water permeability and is recommended for the site's soil percolation characteristics.
- 24. The applicant shall comply with the requirements of Subpart E Housing for Older Persons of Title 24 Housing and Urban Development. Subtitle B Regulations Relating to Housing and Urban Development. CHAPTER I OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. SUBCHAPTER A FAIR HOUSING. PART 100 DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT, as amended, and as cited on "Exhibit C".
- 25. The applicant shall forward the results of its verification of occupancy, as required by §100.307 of "Exhibit C", to the Community Development Director one year after receiving a Certificate of Occupancy and every two years after that.
- 26. The applicant shall construct the first three levels of the parking garage as part of Phase I. The initial levels of the parking garage shall be designed and constructed to accommodate a minimum load of two additional levels of parking and a minimum 75-foot residential structure above. The applicant shall provide a signed and sealed letter from a structural engineer that confirms the maximum load bearing capacity of the parking deck as part of the construction permit application. The height of any structure to be constructed on top of the parking garage shall be capped by the maximum load bearing capacity of the parking garage, as confirmed by a structural engineer, and may exceed 75 feet above the parking deck but under no circumstances shall said height exceed 14-stories or 180 feet.
- 27. During Phase II construction, as identified on Exhibit D, all entrances to the parking deck shall be kept accessible during the hours the businesses on-site are open to the general public, except for temporary closures of limited duration. In the event of a temporary closure(s), at least one entrance shall remain open at all times.
- 28. No certificate of occupancy for any restaurant/retail space shall be issued until the initial 3-story parking garage is complete and has received its certificate of occupancy.
- 29. The applicant shall construct a mini-roundabout on Perimeter Center East at the eastern driveway. Final location and design of the mini-roundabout is subject to the approval of the Public Works Director. The mini-roundabout shall be completed prior to the issuance of any Certificate of Occupancy on the subject site.
- 30. A security monitoring system shall be installed for the parking garage prior to the issuance of a Certificate of Occupancy for the subject parking garage.

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- 32. Service from the drive-through shall be provided through a delivery door; the installation of a drive-through window is prohibited. The product specifications for the delivery door shall be provided at the time of permitting.
- 33. A maximum of 50% of the drive-through restaurant's food revenue can come from the drive-through service itself. A sales record report demonstrating the sales split between indoor dining food sales and drive-through food sales shall be submitted with the subject drive-through's business license renewal each year; a copy of this sales record report shall also be sent to the Community Development Director at the time of business license renewal.

SO ORDAINED AND EFFECT	<b>TVE</b> , this day of	, 2025.
	Approved by:	
	Lynn P. Deutsch	ı, Mayor
Attest:	Approved as to Form a	and Content
Sharon Lowery, City Clerk	Office of City Attorney	
SEAL		

#### **ORDINANCE 2025-XX-XX**

## AN ORDINANCE TO AMEND THE CONDITIONS OF ZONING OF LOT PARCEL NUMBER 18 347 01 013, 18 347 01 021 AND 18 347 01 028 IN CONSIDERATION OF SPECIAL LAND USE PERMIT SLUP 25-04 (84 PERIMETER CENTER EAST)

**WHEREAS,** JSJ Perimeter Center LLC seeks a major modification to conditions of zoning of Special Land Use Permit SLUP 23-03 and the addition of a drive-through restaurant case; and

**WHEREAS:** the properties, Tax Parcels 18 347 01 013, 18 347 01 031 and 18 347 01 028, are located on the southeastern side of Perimeter Center East at the intersection of Ashford Dunwoody Road, and consists of 2.86 acres; and

**WHEREAS,** the property is currently consisting of a one-story vacant building and a wooded lot along Perimeter Center East; and

**WHEREAS**, the Mayor and City Council find that the proposed use aligns with the Dunwoody Comprehensive Plan, which calls for the Perimeter Center District to be a livable, regional center with a mix of housing, first-class office and retail; and

**WHEREAS:** the Mayor and City Council have conducted a public hearing as required by the Zoning Procedures Act prior to adoption of this Ordinance.

**NOW THEREFORE,** THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY **ORDAIN AND APPROVE** SPECIAL LAND USE PERMIT SUBJECT TO THE FOLLOWING CONDITIONS:

EXHIBIT A: Site plan, submitted July 29, 2025.

EXHIBIT B: Streetscaping Sections, completed by Phillips Architecture, dated February 17, 2021.

EXHIBIT C: HUD Housing for Older Persons Regulations.

EXHIBIT D: Phasing Plan.

- 1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;
- 2. The owner shall construct the streetscaping in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works Director and Community Development Director;
- 3. Final elevations of all proposed buildings shall meet the minimum requirements of the Perimeter Center Overlay and PC-2 zoning district requirements. Major façade materials shall include natural brick, natural stone and natural wood, hard coat stucco and glass, natural brick veneer or stone veneer materials and other high quality materials approved by the Community Development Director during the permit review process;

- Stamped brick and cultured stone, manufactured stone, or other imitation materials shall be prohibited. Synthetic EIFS may be used only as accents for cornices or other minor decorative elements;
- 5. Maximum impervious plus semi-pervious cover shall be 78% and include pedestrian or plaza areas, as shown on "Exhibit A";
- 6. No monument sign shall be constructed along the Ashford Dunwoody Road frontage. As an alternative, the owner is allowed one sign with a sign area up to 120 square feet attached to the building. The design of such signage shall be incorporated into the design of the building as approved by the Community Development Director during the site plan review process. Other building signage will be allowed in accordance with Section 20-57;
- 7. All trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid masonry wall at least eight feet in height;
- 8. Prior to certificate of occupancy, the owner shall pay a sum into the tree bank for the replacement density balance of trees removed, as determined by the tree ordinance and City Arborist;
- 9. All utilities servicing the site shall be underground with the exception of required aboveground elements, such as transformers and cable boxes;
- 10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
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#### **ORDINANCE 2025-XX-XX**

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CO ODDATNED AND EFFECTIVE this

SO ORDAINED AND EFFECT	<b>IVE</b> , this day or, 2025.
	Approved by:
	Lynn P. Deutsch, Mayor
Attest:	Approved as to Form and Content
Sharon Lowery, City Clerk	Office of City Attorney
SEAL	

2025