

MEMORANDUM

To: City Council

From: Madalyn Smith, Senior Planner

Date: December 1st, 2025

Subject: SLUP 25-02 – 125 Perimeter Center West, Parcel ID# 18 349 05 002

REQUEST

Zaxby's Properties, LLC requests a Special Land Use Permit for a drive-through to allow the construction of a new drive-through restaurant.

PLANNING COMMISSION 10.21.2025

The Planning Commission opened a public comment session for the subject case. There were no public comments. Following a discussion on the drive-through operations, size of the building, and traffic study, the Planning Commission voted unanimously to recommend approval of SLUP 25-02.

APPLICATION AMENDMENTS SUBMITTED OCTOBER 14, 2025

- **Updated Site Plan and Renderings**

The applicant has updated the site plan to account for an underground stormwater pipe. The size of the building has been reduced; the stacking capacity of the proposed driveway remains the same (18 cars). The applicant also reverted the building architecture to reflect the design previously approved by the Planning Commission on July 8th.

CITY COUNCIL 9.8.2025

The City Council opened a public comment session for the subject case. One speaker spoke in support of the drive-through use. Based on the amendments submitted on August 20th, the subject case was referred back to the Planning Commission.

APPLICATION AMENDMENTS SUBMITTED AUGUST 20, 2025

- **Updated Site Plan, Elevations, and Renderings**

The site plan is functionally similar to the previous version; the main difference is the footprint of the building which reflect the changes made to the building. The applicant has also submitted updated elevations that are a significant departure from the building that was reviewed by the Planning Commission. Staff recommends that the updated application be referred back to the Planning Commission.

PLANNING COMMISSION 7.8.2025

The Planning Commission opened a public comment session for the subject case. One speaker spoke in opposition to the drive-through use. Following a discussion on the drive-through operations, size of the building, and traffic study, the Planning Commission voted unanimously to recommend approval of SLUP 25-02.

APPLICATION AMENDMENTS SUBMITTED JUNE 25, 2025

- Updated Site Plan**
 The drive through lanes were reconfigured to allow additional stacking; capacity increased from 13 cars to 18 cars. The additional capacity was added by extending the second drive-through lane. This extension required the reconfiguration of the parking lot and 4 parking spaces were removed. Other changes include additional sidewalks and crosswalks for pedestrian circulation along the northern lease line.
- Queuing Analysis**
 The queuing, i.e. stacking capacity, was analyzed using data from a Zaxby's location in Brookhaven. The analysis concludes there is adequate stacking space to accommodate traffic during peak hours.

PLANNING COMMISSION MEETING, JUNE 10TH, 2025

The applicant requested a deferral of the Special Land Use Permit application to the July 8, 2025 Planning Commission meeting to allow for additional time to complete a traffic study. The Planning Commission granted the request in an unanimous vote (5-0).

PLANNING COMMISSION MEETING, MAY 13TH, 2025

During the May 13, 2025 public hearing, one person spoke in support of the application. The applicant requested a 30-day deferral to conduct a traffic study. The Planning Commission granted the request in an unanimous vote (6-0).

BACKGROUND & PROPOSED DEVELOPMENT



Figure 1. Context Map, Ashford Lane Shopping Center

The subject property, 125 Perimeter Center W, is located within a 17.4 acre mixed-use shopping center known as Ashford Lane, at the intersection of Perimeter Center Parkway and Perimeter Center W. The

parking spaces. Shared parking is highly encouraged as a strategy for reducing surface parking; the Ashford Lane shopping center utilizes shared parking with various surface parking lots and an on-site parking garage available to patrons. The redevelopment of this tract would reduce the overall parking from 903 spaces to 885, an approximate 1.5% reduction. Bike parking is included near the customer entrance on the western side of the building. The double drive-through lanes stacking is completely to the rear of the restaurant, allowing the space between the building and the street to be utilized for landscaping and outdoor seating. The access to the site is internal to the Ashford Lane shopping center, meaning there is no individual access drive for this restaurant from any public street. The City also encourages shared access as an access management strategy. Ashford Lane has five points-of access to the property via Meadow Lane, Perimeter Center West, and Perimeter Center Place.

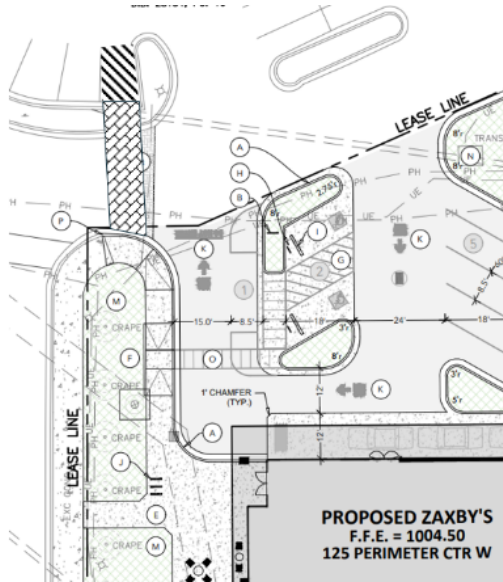


Image 1, Recommended crosswalk

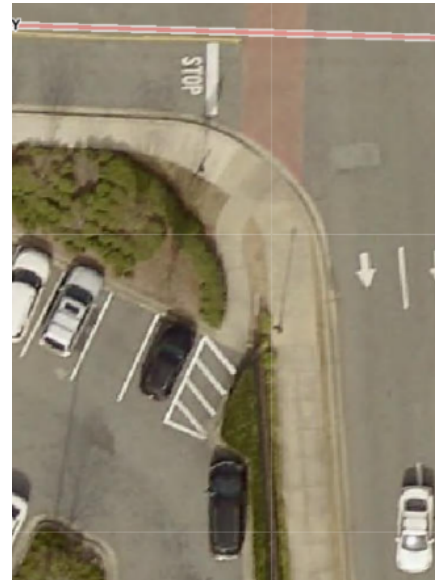


Image 2, Example crosswalk

Pedestrian access is provided from Perimeter Center West via a staircase, from the sidewalk at the entrance drive, and from the shopping center's main parking lot via a crosswalk. Staff recommends that the crosswalk be designed to match an existing crosswalk at the adjacent parking lot at 123 Perimeter Center West (see Image 1 & 2).

The proposed building is setback 53 feet from Perimeter Center West. Although the OCR district has a 0-foot street setback, it is not possible to construct a building at the street because of a 72" stormwater pipe that runs along the front property line. A building cannot be constructed atop the stormwater pipe (see Image 3), but the space will be used for landscaping and outdoor seating. The outdoor seating area shall have heaters to allow year-round use of the patio.

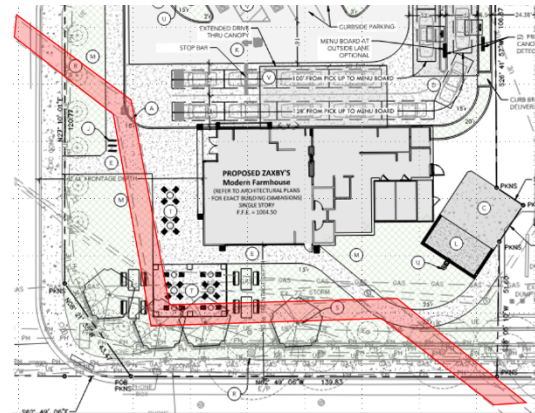


Image 3. Easement shown in red



Figure 3, Rendering, view from Perimeter Center W

The major façade materials are brick and glass, with a metal roof. The color palette is mainly neutral to match the surrounding buildings. The proposed materials are consistent with the requirements for the Perimeter Center.

SURROUNDING LAND ANALYSIS

The table below summarizes all of the nearby zoning districts and land uses. To note, the referenced current land uses are outside the Ashford Lane shopping center. All immediately adjacent buildings are within the Ashford Lane shopping center.:

Direction	Zoning	Future Land Use	Current Land Use
N	O-I & O-D	Perimeter Center (PC-2)	Office, Residential, Storage Facility
S	C-1	Perimeter Center (PC-1)	Perimeter Mall and Shopping Center
E	OCR	Perimeter Center (PC-2)	Office
W	O-I	Perimeter Center (PC-2)	Restaurant

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 subject site is zoned OCR which permits restaurants as an allowed use but drive-throughs, which are considered as their own use, require a Special Land Use Permit. Although there was a previous drive-through on the property, a former PNC 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 restaurant complies with all other requirements of the zoning ordinance. Additionally, the subject site is not historically significant and staff is not aware of any archaeological resources.

The proposed project is a redevelopment and replacement of a vacant building in the shopping center, Ashford Lane. The proposed building is comparable in scale to the adjacent buildings, but includes more open space and outdoor seating than the adjacent building 123 Perimeter Center W, which also features several restaurants, including a Chipotle and a Sweetgreen location. The future land use for the shopping center is PC-1, the most intense zoning district allowed in the City. This particular project is not an intense, mixed-use redevelopment as allowed in the district but is an incremental change to the larger shopping center that reduces surface parking and adds outdoor dining space. The site is large enough to contain the required stacking within the double drive-through lanes, while also accommodating a large open space and patio area along the street. The double drive-through stacking

area is comparable or smaller, compared to other similar restaurants. For example, the proposed Raising Cane's has a stacking capacity of 25 spaces and the recently redeveloped Burger King has a capacity of 18 cars.

Internal circulation on Ashford Lane driveways may be impacted at peak restaurant hours but traffic impacts to the public street, Perimeter Center W, are mitigated due to the site being only internally accessible, with adequate distance between the stacking lanes and the site's ingress/egress. The egress from the drive-through is right-in, right-out, directing traffic to the signalized exist at Olde Perimeter Way. The shopping center's shared parking lots and parking garage should be able to account for the net reduction of parking spaces on the subject site.

Adequate ingress/egress for vehicle access will not be impacted by the redevelopment. Pedestrian/cyclist access will be enhanced with an additional point-of-access added, new bike parking, a new internal crosswalk, and a patio and greenspace adjacent to the street.

The refuse/service area will be located in the same general location as the neighboring building's refuse area and will be screened from the street with a brick wall. The proposed elevation meets the minimum design standards; the major materials are brick and glass.

Overall, the purpose of requiring a Special Land Use Permit for a drive-through is to ensure the appropriateness of the use for the area and maintain high design standards to mitigate adverse impacts such as stacking impeding streets, sidewalks, and other properties, typical car-centric development that does not consider alternative modes of transportation, and excessive asphalt. The proposed redevelopment's location, i.e. internal to a shopping center that has multiple points of access along Perimeter Center West, Meadow Lane, and Perimeter Center Parkway, minimizes the impact of drive-through stacking and drive-through traffic on the public realm. The redevelopment takes steps to enhancing the pedestrian experience with outdoor seating and greenspace. The stacking lanes are completely to the rear of the building, with a separate entrance for pedestrians and cyclists. The greenspace also reduces the amount of asphalt for the subject site. The specifics of this development, as it relates to location and design, meet the approval criteria.

PUBLIC COMMENTS RECEIVED

The staff has received multiple comments in opposition to the application. The comments are included as an attachment.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff finds the proposed drive-through facility to be consistent with the policies and intent of the Comprehensive Plan and finds that it meets the review and approval criteria necessary for approval.

Thus, staff recommends approval of the Special Land Use Permit request, subject to the following exhibits and conditions:

Exhibit A: Site plan, prepared by Carter Engineering and submitted October 14, 2025

Exhibit B: Elevations, submitted October 14, 2025

1. The owner shall develop the site in general conformity with "Exhibit A" and Exhibit "B". Minor changes as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements shall be reviewed by the Community Development Director if made necessary by actual field conditions at the time of development.

2. The crosswalk labelled as “Q” in Exhibit A shall be a raised crosswalk.
3. The outdoor patio area, labelled “T” in Exhibit A, shall be equipped with outdoor heaters to allow year round use of the space.
4. If the initial operator, or any future operator of the building, requires a modification to the building that results in an increase of square footage of the primary structure and/or a modification to the drive-through stacking lanes, then a new Special Land Use Permit will be required.

ATTACHMENTS

- Exhibit A
- Exhibit B
- Original Application
- Updated Application Materials
- Public Comment

PERIMETER CENTER OVERLAY REQUIREMENTS

PERIMETER CENTER DISTRICT: PC-1 DISTRICT

STREET FRONTAGE NOTE: THERE ARE NO KNOWN OR WARRANTED WORK PROPOSED ALONG THE EXISTING STREET FRONTAGES. PROPOSED WORK LIES WITHIN LEASEABLE SPACE.

MAJOR PARKWAY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 34-FEET MEASURED FROM EXISTING CURB. TREES SHALL BE SPACED INTERMITTENTLY ALONG PARKWAY (BETWEEN 12-FEET AND 40-FEET ON CENTER). THE BUFFER SHALL CONSIST OF AT LEAST 5' CANOPY TREES PER 100-FEET OF BUFFER. A MINIMUM 6-FOOT DEEP LANDSCAPE/PATIO AREA IS REQUIRED.

PERIMETER CENTER WEST
TREES REQUIRED (205/100 x 5)
TREES PROVIDED (EXISTING/PROPOSED)
205 SF
10 TREES
10 TREES (6/4)

PRIMARY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 24-FEET MEASURED FROM EXISTING CURB. MINIMUM OF ONE-TREE PER 30 LINEAR FEET OF FRONTAGE, SPACED EQUALLY OR INFORMALLY.

PRIMARY ACCESS STREET (WEST)
TREES REQUIRED (120/30)
TREES PROVIDED
120 SF
4 TREES
6 EXISTING TREES

PC-1 DISTRICT REQUIREMENTS: DRIVE THRU FACILITIES AND STRUCTURES SHALL BE LOCATED ON THE REAR OR SIDE FACADE OF THE BUILDING OR IN THE REAR OF THE LOT BEHIND THE BUILDING. THE STRUCTURE SHOULD NOT BE VISIBLE FROM ANY PRIMARY STREET. STACKING LANES SHALL BE LOCATED PERPENDICULAR TO THE PRIMARY STREET OR BEHIND THE BUILDING. THE CANOPY, COLUMNS, AND STRUCTURE SHALL BE CONSTRUCTED SUBSTANTIALLY OF THE SAME MATERIALS UTILIZED ON THE BUILDING.

DRIVE-THRU FACILITY MEETS EXISTING CONDITION AND IS LOCATED AT THE REAR OF THE SITE AND BEHIND THE BUILDING. THE STACKING LANES ARE PERPENDICULAR TO THE PRIMARY STREET AND SHALL BE SCREENED FROM VIEW WITH LANDSCAPE AND VEGETATION.

GENERAL SITE NOTES

1. ALL DIMENSIONS ARE MEASURED TO THE FACE OF THE CURB UNLESS SPECIFIED OTHERWISE.

2. ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.

3. BOUNDARY & TOPOGRAPHIC SURVEY BY CARTER ENGINEERING CONSULTANTS, INC.

4. FLOOD PLAIN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER

5. 2 HANDICAP SPACES ARE REQUIRED

6. ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.

7. THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFFSITE WORK, INCLUDING, STORM DRAINAGE, CURB, AND GUTTER AND PLACEMENT TIE-INS AND GRADING.

8. REFERENCE ARCHITECTURAL PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS., ETC.

9. ALL NEW PAVEMENT SHALL MEET OR EXCEED GEOTECHNICAL SPECIFICATIONS.

SITE SUMMARY

SITE LEASE AREA

SITE LEASE AREA
IMPERVIOUS AREA (EXISTING)
IMPERVIOUS AREA (PROPOSED)
PERVIOUS AREA (PROPOSED)

29,325 SF (0.673 AC)
23,554 SF (0.532 AC)
19,895 SF (0.452 AC)
9,430 SF (0.215 AC)

BUILDING SUMMARY

BUILDING AREA (EXISTING)
BUILDING AREA (PROPOSED)
BUILDING COVERAGE

4,359 SF
3,486 SF
11.89%

PARKING SUMMARY

PARKING REQUIREMENT: THERE SHALL BE TEN (10) SPACED PER 1,000 SQUARE FEET OF BUILDING AREA WITH A MINIMUM OF FOUR (4) SPACES.

PARKING REQUIRED
PARKING PROVIDED

35 SPACES
4 ON-SITE

SHARED PARKING ALLOWS FOR ADEQUATE NUMBER OF SPACES

MINIMUM STALL DIMENSIONS
MINIMUM DRIVE WIDTH

8.5' X 18'
22'

SITE PLAN LEGEND

A

CONCRETE CURB

B

STOP SIGN (R1-1), SEE STANDARD DETAIL

C

HEAVY DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS

D

STANDARD DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS

E

CONCRETE SIDEWALK, SEE STANDARD DETAIL

F

GDOT STANDARD ADA RAMP WITH DETECTABLE WARNING, SEE DETAIL

G

ADA PARKING AREA, SEE ADA PARKING PLAN

H

ADA PARKING SIGN, SEE STANDARD DETAIL

I

CONCRETE WHEELSTOP, SEE STANDARD DETAIL

J

BIKE RACKS, SEE STANDARD DETAIL

K

XAZBY'S PAVEMENT MARKINGS, SEE STANDARD DETAILS

L

DUMPSTER ENCLOSURE, REFER TO ARCHITECTURAL PLANS FOR DETAIL

M

LANDSCAPE AREA, SEE LANDSCAPE PLAN

N

EXISTING TRANSFORMER TO REMAIN, SEE UTILITY PLAN

O

5' WIDE WHITE STRIPED PEDESTRIAN CROSSWALK

P

CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER

Q

CROSSWALK TO MATCH EXISTING CROSSWALK

R

EXISTING TREES TO REMAIN, REFER TO TREE PROTECTION PLAN

S

PROPOSED TREE TO MEET DENSITY, TYPICAL

T

OUTDOOR PATIO AREA

U

LIGHT POLES, SEE LIGHTING PLAN

V

OUTSIDE LANE TO BE DIGITAL AS AN OPTION WITH LIGHTED SIGNAGE (DIGITAL PICKUP ONLY/OPEN/CLOSED)

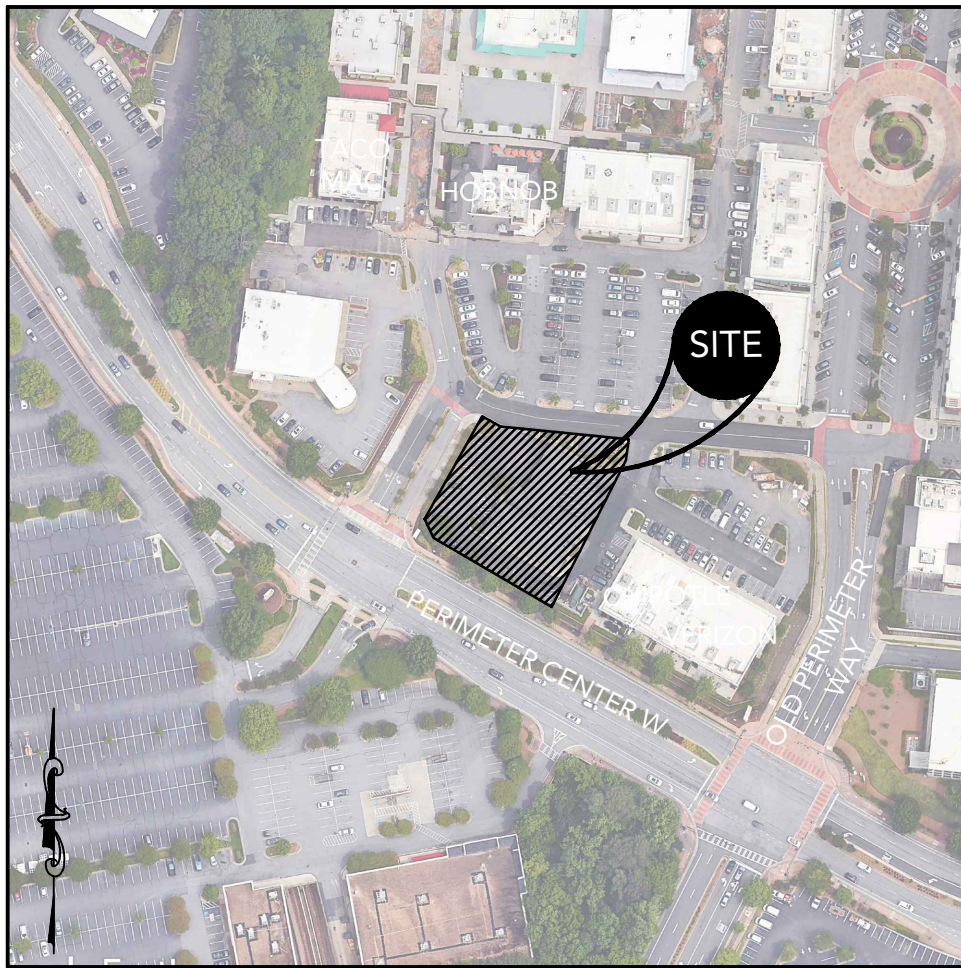
PAVEMENT LEGEND

CONCRETE PAVEMENT (SIDEWALK AND STANDARD)

HEAVY DUTY CONCRETE PAVEMENT

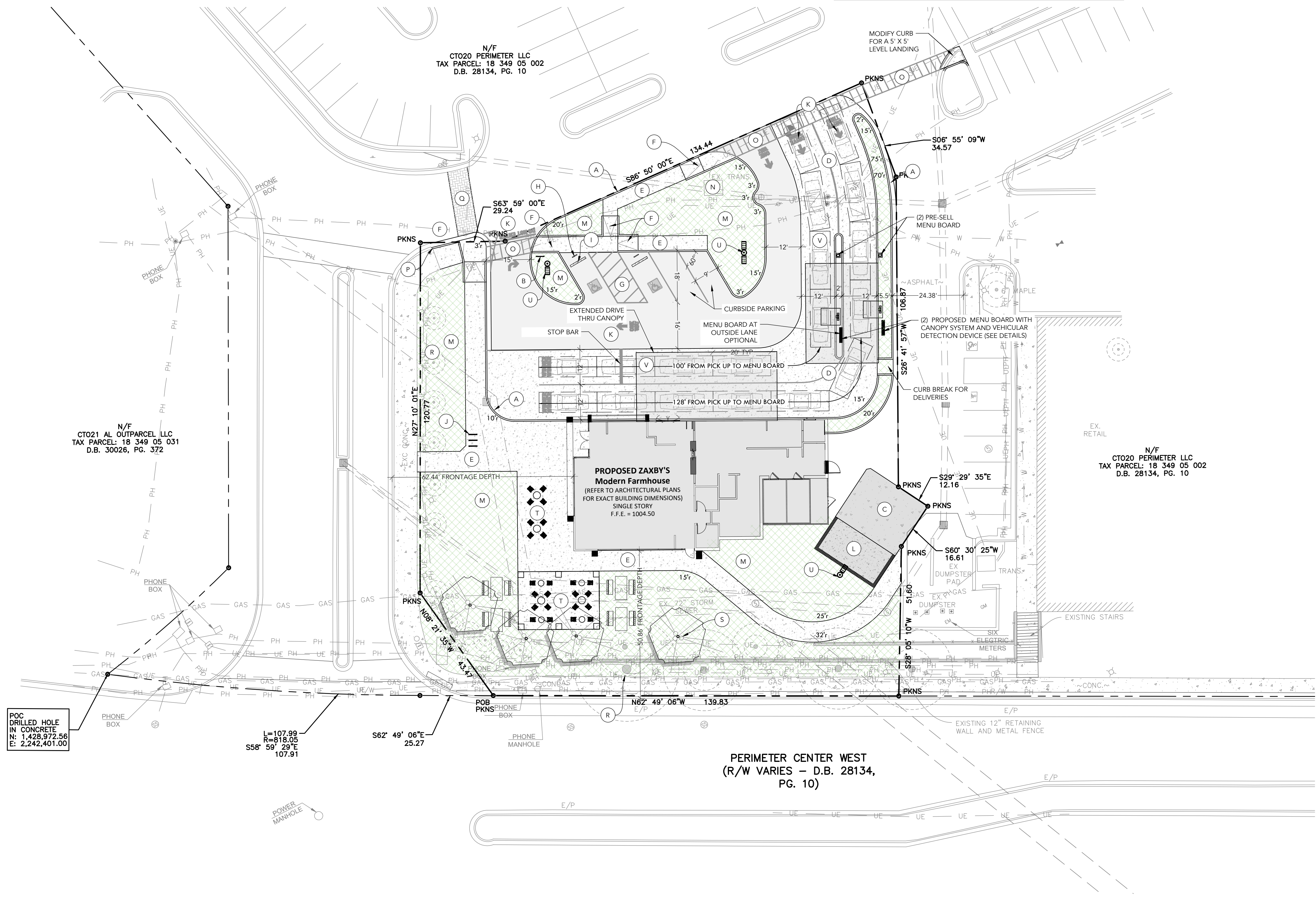
ASPHALT PAVEMENT

OPEN SPACE / GREENSPACE AND LANDSCAPING (9,430 SF - 32%)



LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION	
DRAWING SET PREPARED BY: CARTER ENGINEERING CONSULTANTS, INC. 1010 COMMERCE DRIVE BOGART, GA 30622 CONTACT: JEFF CARTER, P.E. PHONE: 770.725.1200 JEFF@CARTERENGINEERING.COM	PROPERTY OWNER CTO20 PERIMETER LLC 1140 N WILLIAMSON BLVD, STE 140 DAYTONA BEACH, FL 32114
SITE INFORMATION	
JURISDICTION	CITY OF DUNWOODY
PROPERTY LOCATION	125 PERIMETER CTR W DUNWOODY, GA 30346
PARCEL NUMBER	18 349 05 002
CURRENT ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
PROPOSED ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
OVERLAY DISTRICT	PERIMETER CENTER OVERLAY
EXISTING USE	COMMERCIAL
PROPOSED USE	COMMERCIAL RESTAURANT
REQUIRED BUILDING SETBACKS	FRONT: 0- FEET SIDE: 20- FEET REAR: 40- FEET
MAXIMUM LOT COVERAGE	80%
MINIMUM LANDSCAPE	20%
MAXIMUM BUILDING HEIGHT	35- FEET
SANITARY SEWER SERVICE	DEKALB COUNTY
WATER SERVICE	DEKALB COUNTY
FEMA FLOOD INSURANCE RATE MAP NO.	13089C0011K
FEMA FIRMA DATE	08/15/2019
FEMA SFHA ZONE	'X'
UNDERGROUND UTILITY DISCLAIMER: THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD INFORMATION AND/OR EXISTING DRAWINGS. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE OWNER, HIS/HER EMPLOYEES, CONSULTANTS AND CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE CARTER ENGINEERING IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION REGARDING THE UNDERGROUND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD LOCATE ALL UTILITIES PRIOR TO COMMENCING WORK AND NOTIFY ENGINEER IF A DISCREPANCY IS FOUND. SPECIFICALLY, THE CONTRACTOR SHALL VERIFY THE INVERT ELEVATIONS OF ALL EXISTING STORM AND SANITARY SEWER STRUCTURES PRIOR TO COMMENCEMENT OF STORM AND SANITARY SEWER CONSTRUCTION.	

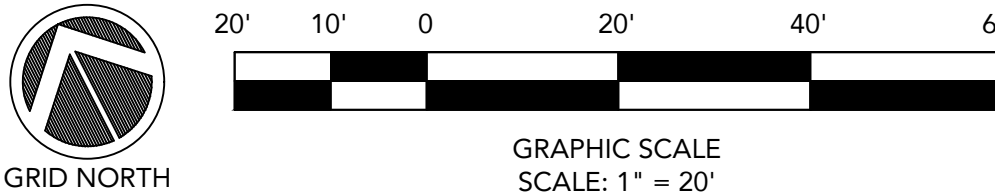


PERIMETER CENTER WEST
(R/W VARIES - D.B. 28134,
PG. 10)

GEORGIA811

Utilities Protection Center, Inc.

Know what's below
Call before you dig



REVISION BLOCK

REVISION	DATE	DESCRIPTION
1	02/07/2025	INITIAL SLIP SUBMITTAL
2	04/15/2025	SLIP RESUBMITTAL
3	06/16/2025	ADDRESS DRIVE THRU QUE
4	07/14/2025	CHANGE BLOG FOOTPRINT
5	08/27/2025	INITIAL SUBMITTAL TO CITY
6	10/02/2025	INSERT NEW BLOG FOOTPRINT
7	...	...
8	...	...

REGISTERED PROFESSIONAL ENGINEER

J. CARTER

GSVCC Level II Certification
No. 000000000083

1010 COMMERCE DRIVE
BOGART, GA 30622

P: 770.725.1200
F: 770.725.1204
www.carterengineering.com

SITE DEVELOPMENT PLANS
FOR
ZAXBY'S RESTAURANT
125 PERIMETER CTR W - DUNWOODY, GA 30346

SHEET TITLE:
SITE PLAN

PROJECT NAME:
ZAXBY'S

SHEET NUMBER:
C 3.0

PROJECT NUMBER:
24008ZAX

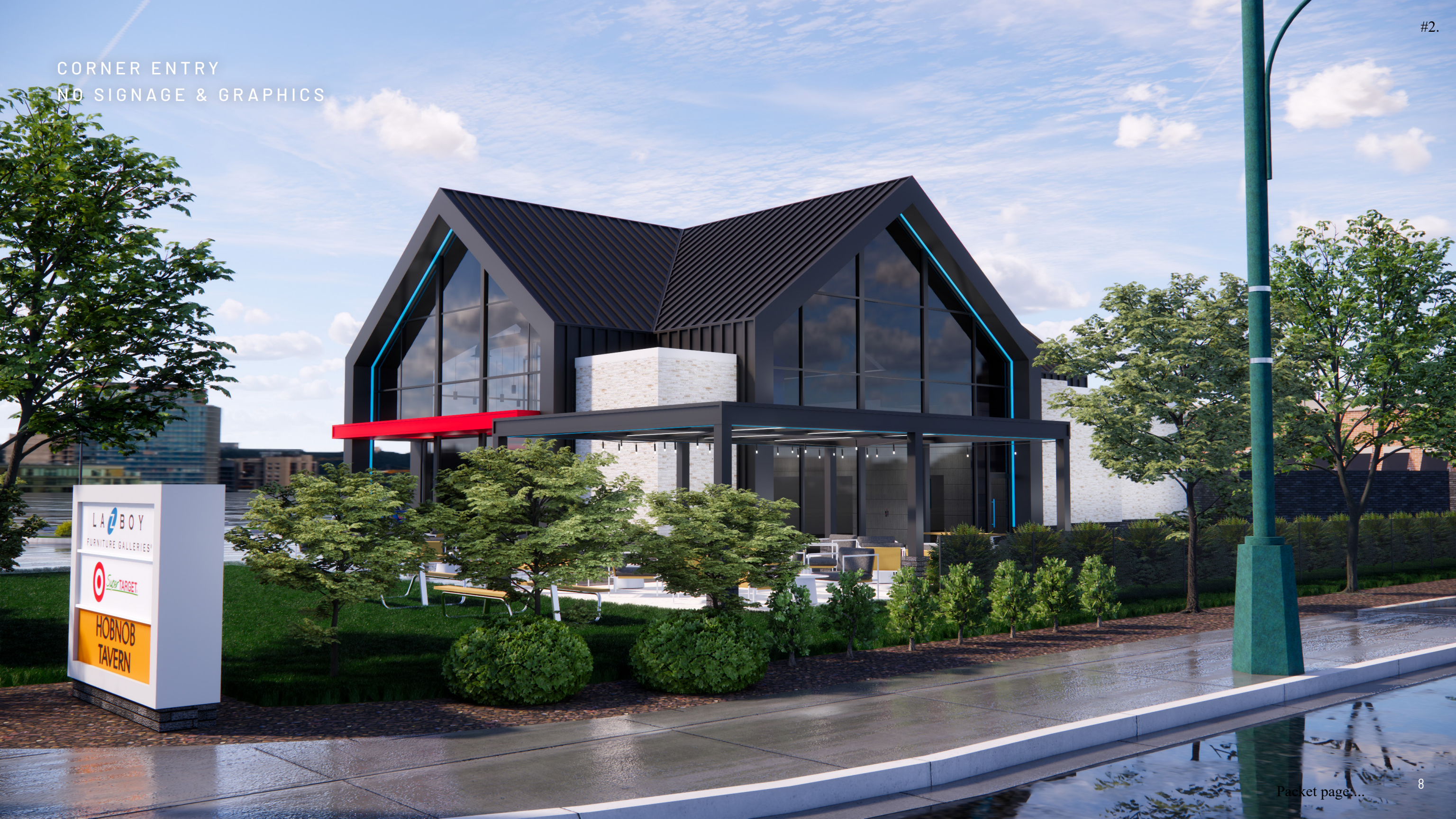
DATE:
02/07/2025

Packet page: 9

SITE
NO SIGNAGE & GRAPHICS



CORNER ENTRY
NO SIGNAGE & GRAPHICS



ENTRY
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



OUTDOOR SEATING
NO SIGNAGE & GRAPHICS



ROADSIDE
NO SIGNAGE & GRAPHICS

#2.



**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2025-XXXX

**AN ORDINANCE TO ALLOW A DRIVE THROUGH RESTAURANT AT LOT
PARCEL NUMBER 18 349 05 002, IN CONSIDERATION OF SPECIAL LAND USE
PERMIT CASE SLUP 25-02 (125 PERIMETER CENTER WEST, DUNWOODY, GA
30338);**

WHEREAS, the applicant, Zaxby's Properties, LLC, requests a Special Land Use Permit to allow a drive-through restaurant at 125 Perimeter Center West; and

WHEREAS, the Mayor and City Council find that the proposed use aligns with the Dunwoody Comprehensive Plan; and

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

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

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY **ORDAIN AND APPROVE** the Special Land Use Permit 25-02 subject to the following conditions:

Exhibit A: Site plan, prepared by Carter Engineering and submitted October 14, 2025

Exhibit B: Elevations, submitted October 14, 2025

1. The owner shall develop the site in general conformity with "Exhibit A" and Exhibit "B". Minor changes as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements shall be reviewed by the Community Development Director if made necessary by actual field conditions at the time of development.
2. The crosswalk labelled as "Q" in Exhibit A shall be a raised crosswalk.
3. The outdoor patio area, labelled "T" in Exhibit A, shall be equipped with outdoor heaters to allow year round use of the space.
4. If the initial operator, or any future operator of the building, requires a modification to the building that results in an increase of square footage of the primary structure and/or a modification to the drive-through stacking lanes, then a new Special Land Use Permit will be required.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2025.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2025-XXXX

Approved by:

Approved as to Form and Content

Lynn P. Deutsch, Mayor

City Attorney

Attest:

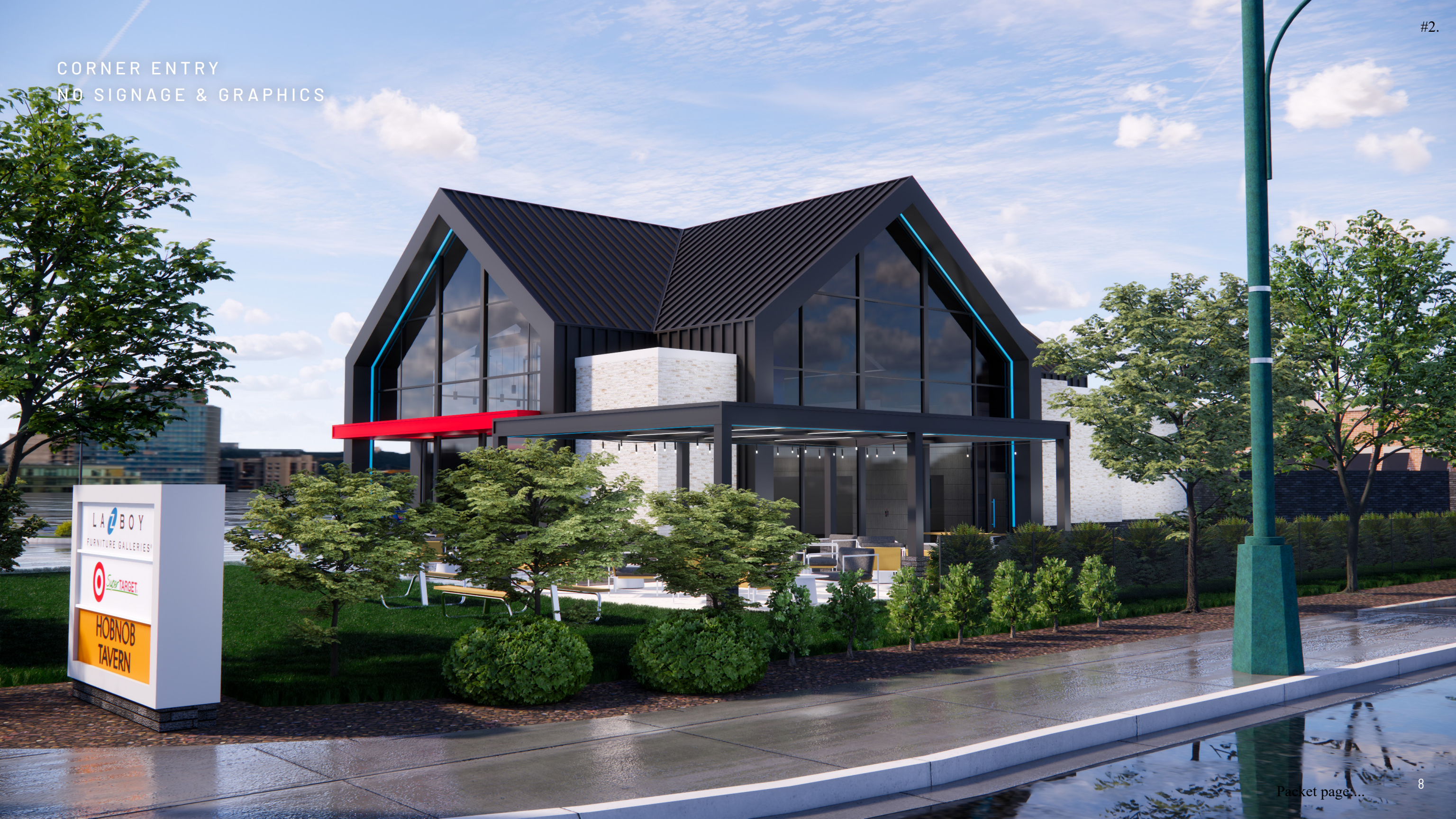
Sharon Lowery, City Clerk

SEAL

SITE
NO SIGNAGE & GRAPHICS



CORNER ENTRY
NO SIGNAGE & GRAPHICS



ENTRY
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



OUTDOOR SEATING
NO SIGNAGE & GRAPHICS



ROADSIDE
NO SIGNAGE & GRAPHICS

#2.



PERIMETER CENTER OVERLAY REQUIREMENTS

PERIMETER CENTER DISTRICT: PC-1 DISTRICT

STREET FRONTAGE NOTE: THERE ARE NO KNOWN OR WARRANTED WORK PROPOSED ALONG THE EXISTING STREET FRONTAGES. PROPOSED WORK LIES WITHIN LEASEABLE SPACE.

MAJOR PARKWAY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 34-FEET MEASURED FROM EXISTING CURB. TREES SHALL BE SPACED INTERMITTENTLY ALONG PARKWAY (BETWEEN 12-FEET AND 40-FEET ON CENTER). THE BUFFER SHALL CONSIST OF AT LEAST 5' CANOPY TREES PER 100-FEET OF BUFFER. A MINIMUM 6-FOOT DEEP LANDSCAPE/PATIO AREA IS REQUIRED.

PERIMETER CENTER WEST 205 SF
TREES REQUIRED (205/100 x 5) 10 TREES
TREES PROVIDED (EXISTING/PROPOSED) 10 TREES (6/4)

PRIMARY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 24-FEET MEASURED FROM EXISTING CURB. MINIMUM OF ONE-TREE PER 30 LINEAR FEET OF FRONTAGE, SPACED EQUALLY OR INFORMALLY.

PRIMARY ACCESS STREET (WEST) 120 SF
TREES REQUIRED (120/30) 4 TREES
TREES PROVIDED 6 EXISTING TREES

PC-1 DISTRICT REQUIREMENTS: DRIVE THRU FACILITIES AND STRUCTURES SHALL BE LOCATED ON THE REAR OR SIDE FACADE OF THE BUILDING OR IN THE REAR OF THE LOT BEHIND THE BUILDING. THE STRUCTURE SHOULD NOT BE VISIBLE FROM ANY PRIMARY STREET. STACKING LANES SHALL BE LOCATED PERPENDICULAR TO THE PRIMARY STREET OR BEHIND THE BUILDING. THE CANOPY, COLUMNS, AND STRUCTURE SHALL BE CONSTRUCTED SUBSTANTIALLY OF THE SAME MATERIALS UTILIZED ON THE BUILDING.

DRIVE-THRU FACILITY MEETS EXISTING CONDITION AND IS LOCATED AT THE REAR OF THE SITE AND BEHIND THE BUILDING. THE STACKING LANES ARE PERPENDICULAR TO THE PRIMARY STREET AND SHALL BE SCREENED FROM VIEW WITH LANDSCAPE AND VEGETATION.

GENERAL SITE NOTES

- ALL DIMENSIONS ARE MEASURED TO THE FACE OF THE CURB UNLESS SPECIFIED OTHERWISE.
- ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
- BOUNDARY & TOPOGRAPHIC SURVEY BY CARTER ENGINEERING CONSULTANTS, INC.
- FLOOD PLAIN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER
- 2 HANDICAP SPACES ARE REQUIRED
- ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
- THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFFSITE WORK, INCLUDING, STORM DRAINAGE, CURB, AND GUTTER AND PLACEMENT TIE-INS AND GRADING.
- REFERENCE ARCHITECTURAL PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.
- ALL NEW PAVEMENT SHALL MEET OR EXCEED GEOTECHNICAL SPECIFICATIONS.

SITE SUMMARY

SITE LEASE AREA

SITE LEASE AREA	29,325 SF (0.67 AC)
IMPERVIOUS AREA (EXISTING)	23,554 SF (80.32%)
IMPERVIOUS AREA (PROPOSED)	19,751 SF (67.35%)
PERVIOUS AREA (PROPOSED)	9,574 SF (32.65%)

BUILDING SUMMARY

BUILDING AREA (EXISTING)	4,359 SF
BUILDING AREA (PROPOSED)	4,000 SF
BUILDING COVERAGE	13.64%

PARKING SUMMARY

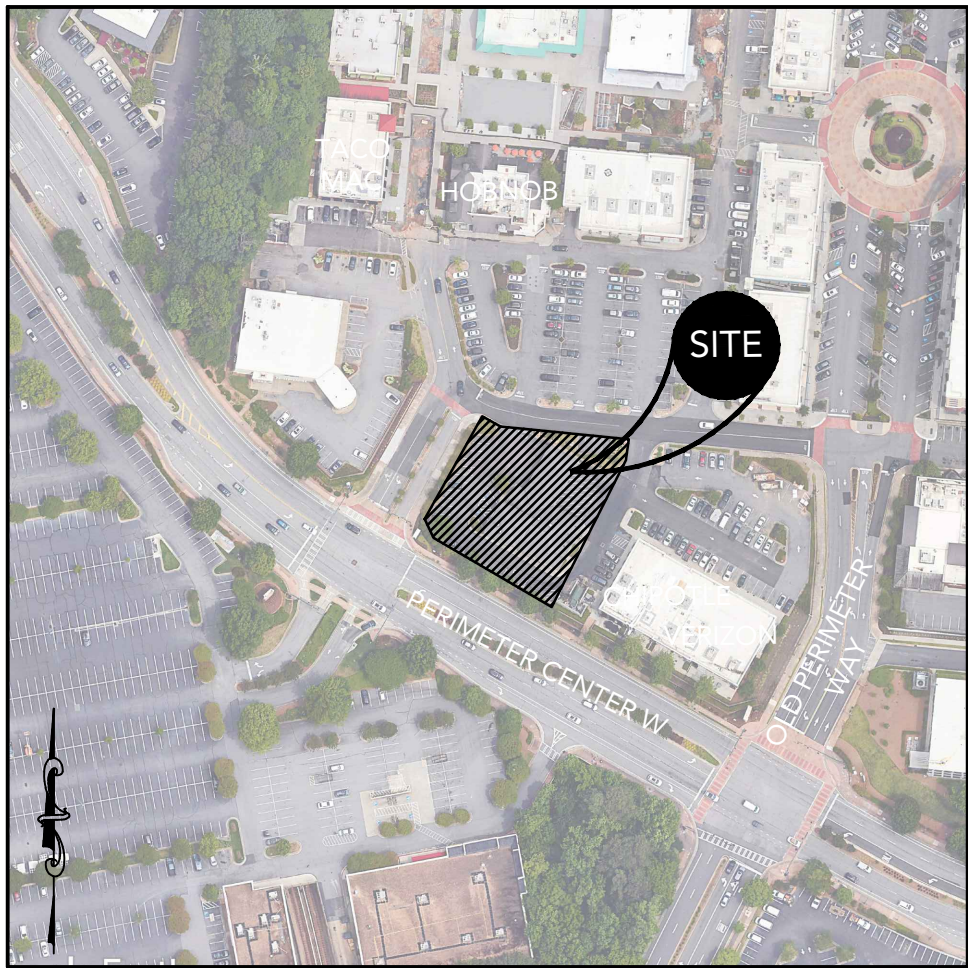
PARKING REQUIREMENT: THERE SHALL BE TEN (10) SPACED PER 1,000 SQUARE FEET OF BUILDING AREA WITH A MINIMUM OF FOUR (4) SPACES.	
PARKING REQUIRED	40 SPACES
PARKING PROPOSED	4 ON-SITE

SHARED PARKING ALLOWS FOR ADEQUATE NUMBER OF SPACES

MINIMUM STALL DIMENSIONS (60" PARKING)	9' X 18'
MINIMUM DRIVE WIDTH	15'

PAVEMENT LEGEND

CONCRETE PAVEMENT (SIDEWALK AND STANDARD)	
HEAVY DUTY CONCRETE PAVEMENT	
ASPHALT PAVEMENT	
OPEN SPACE / GREENSPACE AND LANDSCAPING (9,574 SF - 32.65%)	



LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION

DRAWING SET PREPARED BY: CARTER ENGINEERING CONSULTANTS, INC. 1010 COMMERCE DRIVE BOGART, GA 30622 CONTACT: JEFF CARTER, P.E. PHONE: 770.725.1200 JEFF@CARTERENGINEERING.COM	PROPERTY OWNER CTO20 PERIMETER LLC 1140 N WILLIAMSON BLVD, STE 140 DAYTONA BEACH, FL 32114
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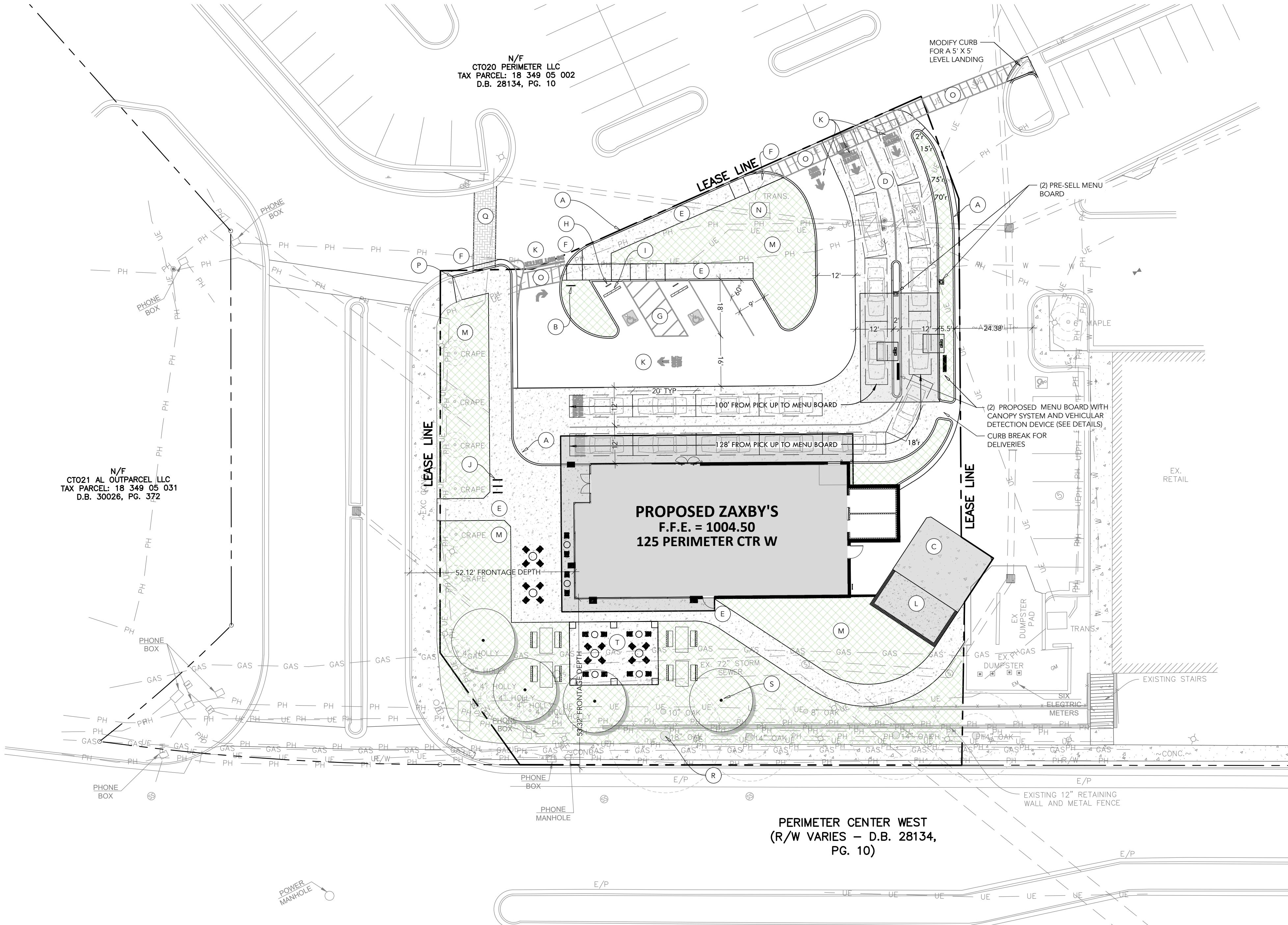
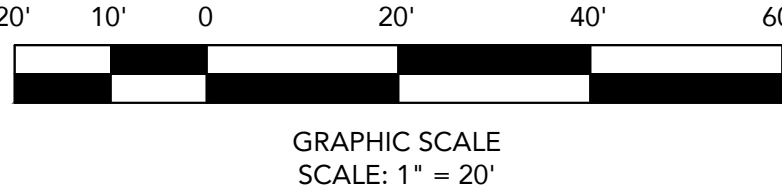
SITE INFORMATION

JURISDICTION	CITY OF DUNWOODY
PROPERTY LOCATION	125 PERIMETER CTR W DUNWOODY, GA 30346
PARCEL NUMBER	18 349 05 002
CURRENT ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
PROPOSED ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
OVERLAY DISTRICT	PERIMTER CENTER OVERLAY
EXISTING USE	COMMERCIAL
PROPOSED USE	COMMERCIAL RESTAURANT
REQUIRED BUILDING SETBACKS	FRONT: 0- FEET SIDE: 20- FEET REAR: 40- FEET
MAXIMUM LOT COVERAGE	80%
MINIMUM LANDSCAPE	20%
MAXIMUM BUILDING HEIGHT	35- FEET
SANITARY SEWER SERVICE	DEKALB COUNTY
WATER SERVICE	DEKALB COUNTY
FEMA FLOOD INSURANCE RATE MAP NO.	13089C0011K
FEMA FIRM DATE	08/15/2019
FEMA SFHA ZONE	'X'

UNDERGROUND UTILITY DISCLAIMER:
THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD INFORMATION AND/OR EXISTING DRAWINGS. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE OWNER, HIS/HER EMPLOYEES, CONSULTANTS AND CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE CARTER ENGINEERING IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION REGARDING THE UNDERGROUND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD LOCATE ALL UTILITIES PRIOR TO COMMENCING WORK AND NOTIFY ENGINEER IF A DISCREPANCY IS FOUND. SPECIFICALLY, THE CONTRACTOR SHALL VERIFY THE INVERT ELEVATIONS OF ALL EXISTING STORM AND SANITARY SEWER STRUCTURES PRIOR TO COMMENCEMENT OF STORM AND SANITARY SEWER CONSTRUCTION.

SITE PLAN LEGEND

A	CONCRETE CURB
B	STOP SIGN (R1-1), SEE STANDARD DETAIL
C	HEAVY DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS
D	STANDARD DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS
E	CONCRETE SIDEWALK, SEE STANDARD DETAIL
F	GOOT STANDARD ADA RAMP WITH DETECTABLE WARNING, SEE DETAIL
G	ADA PARKING AREA, SEE ADA PARKING PLAN
H	ADA PARKING SIGN, SEE STANDARD DETAIL
I	CONCRETE WHEELSTOP, SEE STANDARD DETAIL
J	BIKE RACKS, SEE STANDARD DETAIL
K	ZAXBY'S PAVEMENT MARKINGS, SEE STANDARD DETAILS
L	DUMPSTER ENCLOSURE, REFER TO ARCHITECTURAL PLANS FOR DETAIL
M	LANDSCAPE AREA, SEE LANDSCAPE PLAN
N	EXISTING TRANSFORMER TO REMAIN, SEE UTILITY PLAN
O	5' WIDE WHITE STRIPED PEDESTRIAN CROSSWALK
P	CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER
Q	CROSSWALK TO MATCH EXISTING CROSSWALK
R	EXISTING TREE TO REMAIN, REFER TO TREE PROTECTION PLAN
S	PROPOSED TREE TO MEET DENSITY, TYPICAL
T	OUTDOOR PATIO AREA



REVISION BLOCK	REVISION DATE & DESCRIPTION	ISSUE
1	02/07/2025 - INITIAL SLIP SUBMITTAL	1
2	04/15/2025 - SLIP RESUBMITTAL	2
3	06/16/2025 - ADDRESS DRIVE THRU QUE	3
4	...	4
5	...	5
6	...	6
7	...	7
8	...	8



GSWVCC Level II Certification
No. 000000000083



**CARTER
ENGINEERING**

CARTER ENGINEERING
1010 COMMERCE DRIVE
BOGART, GA 30622

P: 770.725.1200
F: 770.725.1204
www.carterengineering.com

**SITE DEVELOPMENT PLANS
FOR
ZAXBY'S RESTAURANT
125 PERIMETER CTR W - DUNWOODY, GA 30346**

SHEET TITLE:
SITE PLAN

PROJECT NAME:
ZAXBY'S

SHEET NUMBER:
C 3.0

PROJECT NUMBER:
24008ZAX

DATE:
02/07/2025



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com



Memorandum

To: Mary Meyer, Zaxby's Franchising, LLC.
From: Abdul Amer, PE.
Date: June 20, 2025
Subject: Queuing Analysis for Proposed Zaxby's at 125 Perimeter Center W, Atlanta, GA 30346| A&R #25-112

The purpose of this queuing analysis is to determine the required reservoir for vehicle queuing in the proposed Zaxby's drive-through at 125 Perimeter Center West in Atlanta, GA. The methodology used in this analysis is based on the methodology presented in the Institute of Transportation Engineers' "Traffic Engineering Handbook" which references the paper "Entrance-Exit Design and Control for Major parking Facilities" by Robert Crommelin (1972).

Proposed Layout

The developer plans to demolish the existing bank building and construct a 4,000 sf Zaxby's fast-food restaurant with a drive-through window and 60-seat capacity. The development will have two access points on Ashford Crossing (internal access road). The eastern access will be a three-lane enter-only driveway and provide two lanes leading to the drive-through window and one lane to the dine-in parking lot. The western access will be a right-out exit-only driveway for both drive-through and dine-in customers. A site overlay is provided in Figure 1 below.

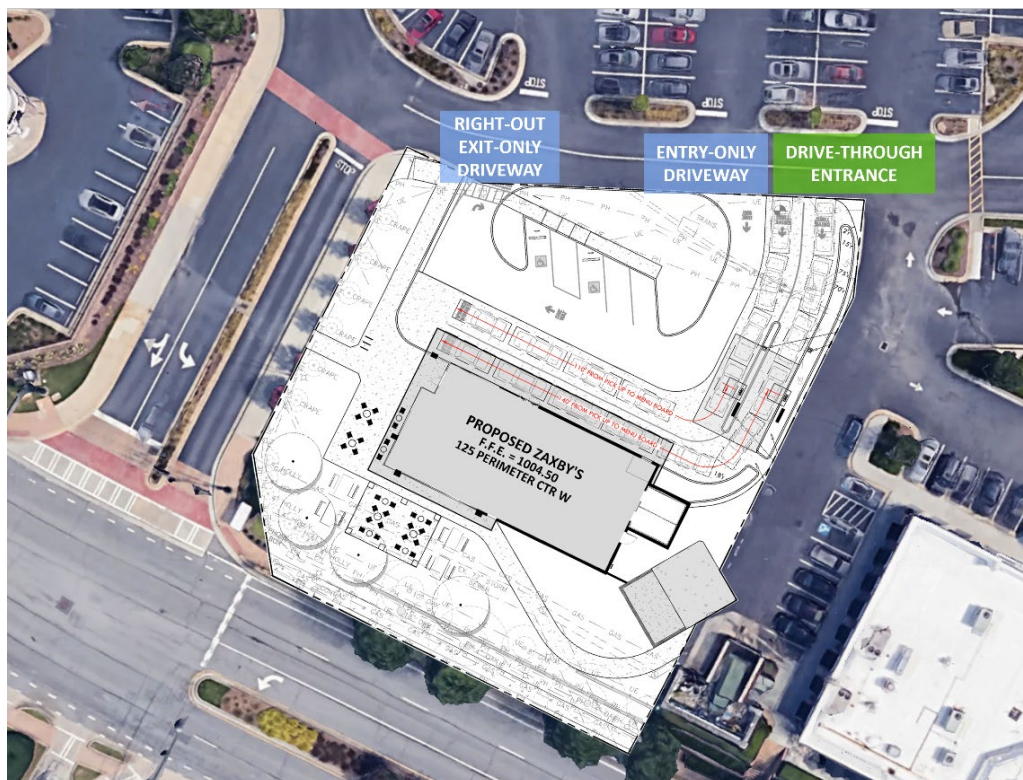


Figure 1 – Site Plan with Labeled Driveways

Queuing Analysis:

Crommelin presented the queue length (q) equation which considered the calculated traffic intensity (" i ") to determine the average length of the queue. The queuing theory used in the Handbook which is based on arrival rate and service rate is applicable to drive through queuing analysis as well. The queuing equation used is included below:

$$\bar{q} = \frac{i^2}{(1 - i)}$$

To find the traffic intensity factor (" i "), the following equation must be used:

$$\text{Traffic Intensity Factor ("i")} = \frac{\text{Adjusted Vehicle Entering Rate (veh/min/lane)}}{\text{Zaxby's Service Rate (veh/min/lane)}}$$

The process of placing the order and paying/picking up the order at the delivery window creates two separate processes, which result in two distinct queues. The first queue begins where the customers place the order. This queue includes the two lanes section leading up to the menu board with each drive-through lane providing approximately 80 feet of stacking space, sufficient to accommodate up to 4 vehicles per lane, or a total of 8 vehicles, as shown in Figure 2. From the menu board, the two lanes merge into one lane and provide adequate stacking to accommodate 6 cars. The site plan shows stacking of 140 feet between the menu board and pick-up window.

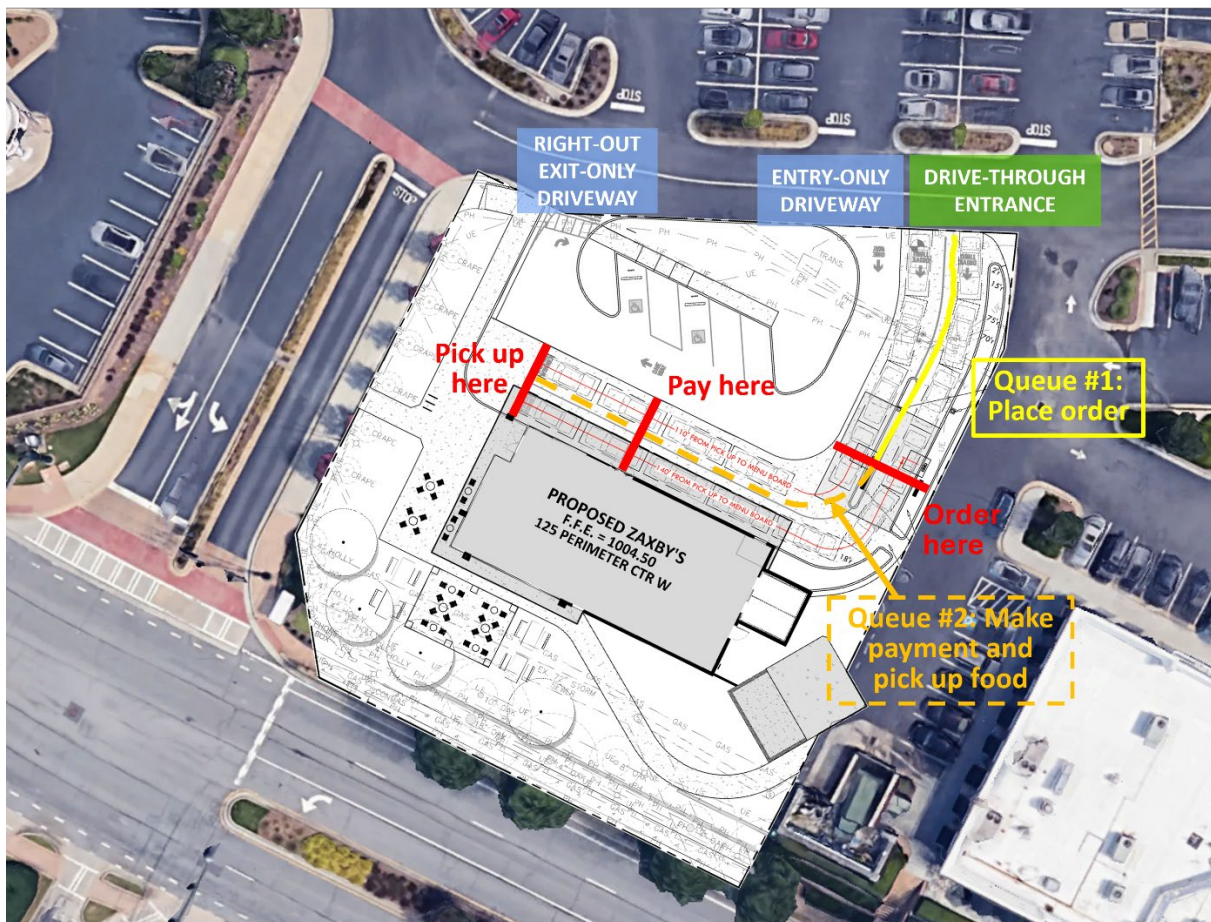


Figure 2 – Queuing Display

The service rates for order placement, and payment/order pickup at the drive-through windows, as well as the vehicle entering rate, were obtained from an analogous Zaxby's restaurant located at 2535 Briarcliff Rd NE, Brookhaven, GA. Observations were conducted during peak hours from 11:30 a.m. to 1:30 p.m. and from 4:00 p.m. to 7:00 p.m. on Thursday, May 29th. To estimate queue lengths, we identified the worst-case hour within the peak periods. The busiest hour in the morning occurs from 12:00 p.m. to 1:00 p.m., while the busiest hour in the afternoon is from 5:45 p.m. to 6:45 p.m. As queuing analysis is based on the busiest peak hour, a PHF of 1.00 is used.

The queuing analysis for a **customer placing an order in the morning peak hour (queue 1)** is included in Table 1 below.

TABLE 1: QUEUING ANALYSIS FOR PLACING AN ORDER (AM)	
Zaxby's Service Rate (sec/veh/lane)	65.00
Zaxby's Service Rate (veh/min/lane)	0.92
Vehicle Entering Rate (veh/hr/lane)	35.00
Peak Hour Factor	1.00
Adjusted Vehicle Entering Rate (veh/hr/lane)	35.00
Adjusted Vehicle Entering Rate (veh/min/lane)	0.58
Traffic Intensity Factor	0.63
Average Queue Length (vehicles/lane)	1.07
Queue Length at P (.95) (vehicles/lane)	2.50

Zaxby's service rate for placing an order at the drive-through windows (menu boards) in the morning peak hour was 65 seconds per vehicle on average. Based on data collected during the busiest hour between 12:00 p.m. and 1:00 p.m., a total of 70 vehicles entered the drive-through lane within that one-hour period. Given the two proposed lanes from the drive-through entrance to the order window, the vehicle entering rate was calculated at 35 vehicles per hour per lane. The adjusted vehicle entering rate of 35 shown in Table 1 was calculated using the peak hour factor of 1.00. The adjusted vehicle entering rate of vehicle per minute per lane of 0.58 is calculated by dividing the adjusted vehicle entering rate per hour per lane (35) by 60 seconds. The traffic intensity factor of 0.63 (using the traffic intensity formula) was calculated by dividing the adjusted vehicle entering rate per minute per lane (0.58) by Zaxby's service rate per minute per lane (0.92). The calculated average queue length using the queue length equation mentioned above on page 2, is 1.07 vehicles per order lane. The required stacking space was determined using the Reservoir Needs vs. Traffic Intensity graph (Figure 3). Based on this graph, the 95th percentile queue length for traffic intensity factor of 0.63 was found to be 2.50 vehicles (rounded up to 3 vehicles) per lane.

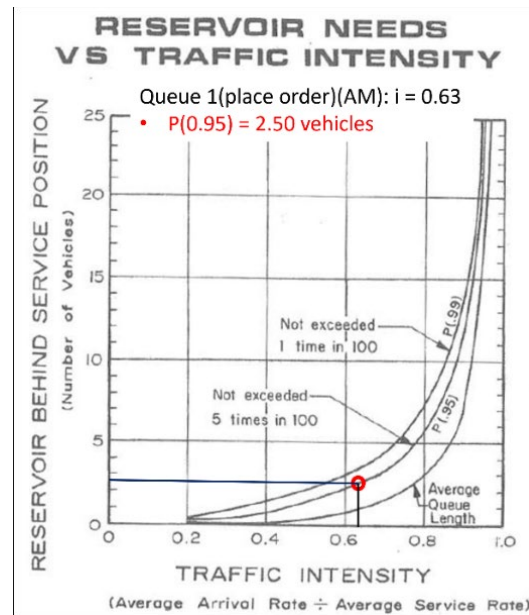


Figure 3 – Queue Length for Placing Orders in the Morning Peak Hour (Queue 1)

The queuing analysis for a **customer paying and picking up an order in the morning peak hour (queue 2)** is included in Table 2 below.

TABLE 2: QUEUING ANALYSIS FOR MAKING PAYMENT AND PICKING UP AN ORDER (AM)	
Zaxby's Service Rate (sec/veh/lane)	44.00
Zaxby's Service Rate (veh/min/lane)	1.40
Vehicle Entering Rate (veh/hr/lane)	70.00
Peak Hour Factor	1.00
Adjusted Vehicle Entering Rate (veh/hr/lane)	70.00
Adjusted Vehicle Entering Rate (veh/min/lane)	1.17
Traffic Intensity Factor	0.83
Average Queue Length (vehicles/lane)	4.05
Queue Length at P (.95) (vehicles/lane)	6.90

Zaxby's service rate for pick-up windows in the morning peak hour was 44 seconds per vehicle on average. Based on data collected during the busiest hour between 12:00 p.m. and 1:00 p.m., a total of 70 vehicles entered the drive-through lane within that one-hour period. Zaxby's is proposing to continue the two lanes from the menu board to the edge of the building with a payment window in the inner lane after a stacking space of 4 cars. Customers in the outer lane will pay to an employee and get the food through that employee. The outer lane has four cars stacking space. Given the unique situation of having a payment window for one lane at a shorter stacking space and the outer lane not having a payment window and having to rely on an alternate time-consuming method, to be on conservative side, we have analyzed the pick-up window as one lane. The adjusted vehicle entering rate of 70 shown in Table 2 was calculated using the peak hour factor of 1.00. The adjusted vehicle entering rate of vehicle per minute per lane of 1.17 is calculated by dividing the adjusted vehicle entering rate per hour per lane (70) by 60 seconds. The traffic intensity factor of 0.83 (using the traffic intensity formula) was calculated by dividing the adjusted

vehicle entering rate per minute per lane (1.17) by Zaxby's service rate per minute per lane (1.40). The calculated average queue length using the queue length equation is 4.05 vehicles per order lane. The required stacking space was determined using the Reservoir Needs vs. Traffic Intensity graph (Figure 4). Based on this graph, the 95th percentile queue length for traffic intensity factor of 0.83 was found to be 6.90 vehicles (rounded up to 7 vehicles).

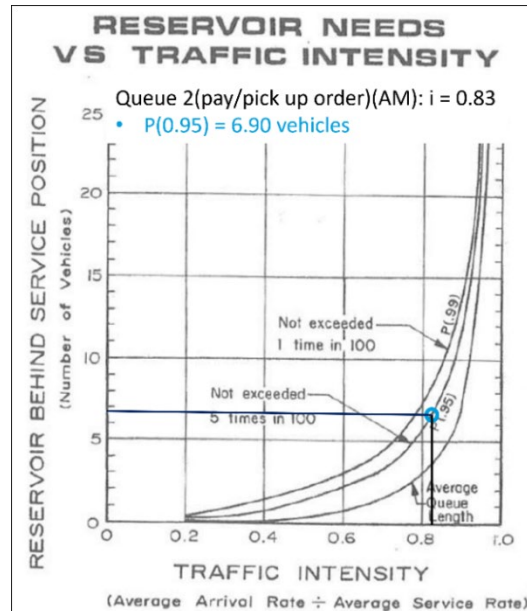


Figure 4 – Queue Length for Paying and Picking Up Orders in the Morning Peak Hour (Queue 2)

The queuing analysis for a **customer placing an order in the afternoon peak hour (queue 3)** is included in Table 3 below.

TABLE 3: QUEUING ANALYSIS FOR PLACING AN ORDER (PM)	
Zaxby's Service Rate (sec/veh/lane)	72.00
Zaxby's Service Rate (veh/min/lane)	0.83
Vehicle Entering Rate (veh/hr/lane)	19.00
Peak Hour Factor	1.00
Adjusted Vehicle Entering Rate (veh/hr/lane)	19.00
Adjusted Vehicle Entering Rate (veh/min/lane)	0.32
Traffic Intensity Factor	0.39
Average Queue Length (vehicles/lane)	0.25
Queue Length at P (.95) (vehicles/lane)	0.60

Zaxby's service rate for placing an order at the drive-through windows (menu boards) in the afternoon peak hour was 72 seconds per vehicle on average. Based on data collected during the busiest hour between 5:45 p.m. and 6:45 p.m., a total of 38 vehicles entered the drive-through lane within that one-hour period. Given the two proposed lanes from the drive-through entrance to the order window, the vehicle entering rate was calculated at 19 vehicles per hour per lane. The adjusted vehicle entering rate of 19 shown in Table 3 was calculated using the peak hour factor of 1.00. The adjusted vehicle entering rate of vehicle per minute per lane of 0.32 is calculated by dividing the adjusted vehicle entering rate per hour per lane (19) by 60 seconds. The traffic intensity factor of 0.39 (using the traffic intensity formula)

was calculated by dividing the adjusted vehicle entering rate per minute per lane (0.32) by Zaxby's service rate per minute per lane (0.83). The calculated average queue length using the queue length equation is 0.25 vehicles per order lane. The required stacking space was determined using the Reservoir Needs vs. Traffic Intensity graph (Figure 5). Based on this graph, the 95th percentile queue length for traffic intensity factor of 0.39 was found to be 0.60 vehicles (rounded up to 1 vehicle) per lane.

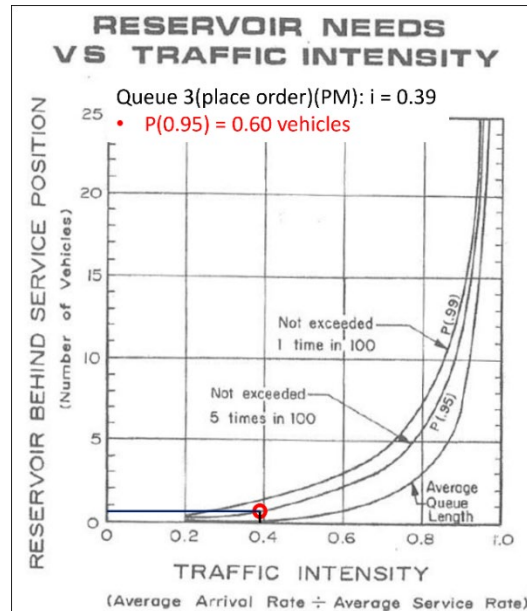


Figure 5 – Queue Length for Placing Orders in the Afternoon Peak Hour (Queue 3)

The queuing analysis for a **customer paying and picking up an order in the afternoon peak hour (queue 4)** is included in Table 4 below.

TABLE 4: QUEUING ANALYSIS FOR MAKING PAYMENT AND PICKING UP AN ORDER (PM)	
Zaxby's Service Rate (sec/veh/lane)	72.00
Zaxby's Service Rate (veh/min/lane)	0.83
Vehicle Entering Rate (veh/hr/lane)	38.00
Peak Hour Factor	1.00
Adjusted Vehicle Entering Rate (veh/hr/lane)	38.00
Adjusted Vehicle Entering Rate (veh/min/lane)	0.63
Traffic Intensity Factor	0.76
Average Queue Length (vehicles/lane)	2.41
Queue Length at P (.95) (vehicles/lane)	4.50

Zaxby's service rate for pick-up window in the afternoon peak hour was 72 seconds per vehicle on average. Based on data collected during the busiest hour between 5:45 p.m. and 6:45 p.m., a total of 38 vehicles entered the drive-through lane within that one-hour period. Given the one proposed lane from the order window to the pay/pick-up window, the vehicle entering rate was calculated at 38 vehicles per hour per lane. The adjusted vehicle entering rate of 38 shown in Table 4 was calculated using the peak hour factor of 1.00. The adjusted vehicle entering rate of vehicle per minute per lane of 0.63 is calculated by dividing the adjusted vehicle entering rate per hour per lane (38) by 60 seconds. The traffic intensity factor of 0.76

(using intensity formula) was calculated by dividing the adjusted vehicle entering rate per minute per lane (0.63) by Zaxby's service rate per minute per lane (0.83). The calculated average queue length using the queue length equation is 2.41 vehicles per order lane. The required stacking space was determined using the Reservoir Needs vs. Traffic Intensity graph (Figure 6). Based on this graph, the 95th percentile queue length for traffic intensity factor of 0.76 was found to be 4.50 vehicles (rounded up to 5 vehicles).

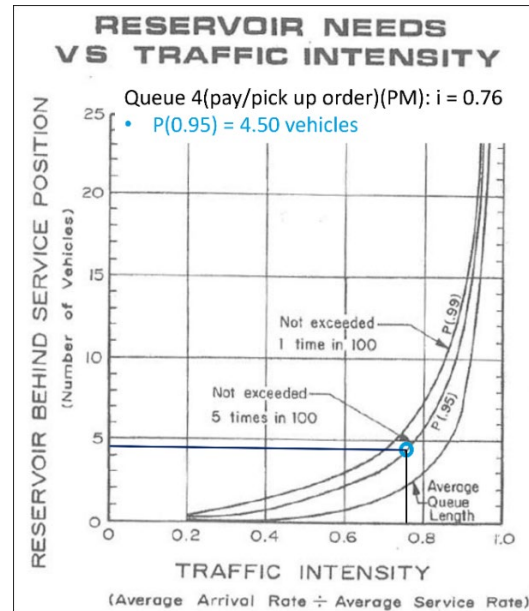


Figure 6 – Queue Length for Paying and Picking Up Orders in the Afternoon Peak Hour (Queue 4)

Based on the above calculations, the required reservoir/stacking Space for the menu board and pick-up window are given below:

- Placing Orders Queue (AM): 3 vehicles
- Paying/Picking up Orders Queue (AM): 7 vehicles
- Placing Orders Queue (PM): 1 vehicle
- Paying/Picking up Orders Queue (PM): 5 vehicles

Conclusions:

- The queuing analysis indicates that a minimum queue of 3 vehicles per ordering lane is required at the menu board and the available stacking space of 3 vehicles per lane at menu board is adequate.
- The queuing analysis indicates that a minimum queue of 7 vehicles is required for the pick-up window. The latest site plan provided to us shows two lanes from the menu board to the edge of the building. The pay window is shown towards the rear end of the fifth car in the inner lane. Therefore, the stacking shown is considered as adequate to accommodate 4 cars in the inner lane up to the payment window. The outer lane shows stacking of 4 cars up to the edge of the building and we understand from Zaxby's management that an employee will take the payment on hand-held tablets in the outer lane and deliver the food in person. Under this arrangement, the total stacking space of 8 cars in both lanes combined is sufficient to accommodate the 95th percentile queue of 7 cars at the pick-up window.

SHEET NUMBER:  XAXBY'S		SHEET NAME: SITE PLAN	
PROJECT NAME: XAXBY'S RESTAURANT		PROJECT NUMBER: 24008ZAX	
DATE: 02/07/2025		DATE: 02/07/2025	

[illegible]

APPLICATION FORMS

Application Form


Purpose of Application (check all that apply):

- ☐ Comprehensive Plan Land Use Map Amendment
☐ Zoning Ordinance Text Amendment
☐ Zoning Map Amendment
☒ Special Land Use Permit
☐ Major Modification of Zoning Conditions

Community Development

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

Application Information

 Company Name: Zaxby's Properties LLC c/o Kathryn M. Zickert - Smith, Gambrell & Russell, LLP

 Contact Name: Kathryn M. Zickert, Attorney at Law - Smith, Gambrell & Russell, LLP

 Address: 1105 West Peachtree Street NE, Atlanta, GA 30309

 Phone: 404-815-3704 Email: kzickert@sgrlaw.com

 Pre-Application Conference Date: 09/30/24
Owner Information ☐ Check here If same as applicant

 Owner's Name: Alex Gordon for CTO20 PERIMETER LLC

 Owner's Address: 1140 N. Williamson Blvd, Suite 140, Daytona Beach, FL, 32114

 Phone: 386.944.5638 Email: agordon@ctoreit.com
Property Information

 Property Address(es): 125 Perimeter Center W, Atlanta, GA 30346

 Parcel ID #(s): 18 349 05 002

 Total Acreage: 0.67 Current Zoning Classification: OCR Current Use: Commercial
Project Information

 Proposed Zoning Classification: OCR Proposed Use: Commercial

 Project Details: Proposed Zaxby's restaurant with drive-through component
Applicant Affidavit

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

 Applicant's Name: Kathryn M. Zickert - Attorney at Law

 Applicant's Signature: Kathryn M Zickert Date: 3/4/2025
Notary:

 Sworn to and subscribed before me this 4th Day of March, 2025

 Notary Public: Jack R. Lloyd

 Signature: [Signature]

 My Commission Expires: 1/14/29


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.

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

Applicant:

Name: Zaxby's Properties LLC c/o Kathryn M. Zickert - Smith, Gambrell & Russell, LLP

Signature: Kathryn M Zickert Date: 3/4/2025

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

Phone: 404-815-3704 Email: kzickert@sgrlaw.com

Notary Public: Jack R. Lloyd

Sworn to and subscribed before me this 4th Day of March, 2025

Notary Signature: [Signature]

My Commission Expires: 1/14/29



Applicant:

Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____

Applicant:

Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____

OWNER AUTHORIZATION



Community Development

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

Property Owner(s) Notarized Certification

Property Owner:

Owner Name: CTO20 PERIMETER LLC by CTO Realty Growth, Inc., its sole member

Signature: [Signature] Date: 2/27/2025

Address: 1140 N. Williamson Blvd, Suite 140, Daytona Beach, FL, 32114

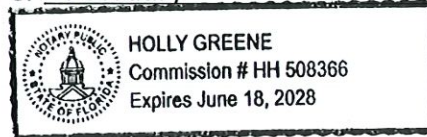
Phone: 386.274.2202 Email: lvorakoun@ctoreit.com

Notary Public: Holly Greene

Sworn to and subscribed before me this 27th Day of February, 2025

Notary Signature: Holly Greene

My Commission Expires: _____



Property Owner:

Owner Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____

Property Owner:

Owner Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____

DISCLOSURE FORM



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 City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☐ YES ☒ NO

Applicant / Owner

Signature:  Date: 2/27/2025

Address: 1140 N Williamson Blvd, Suite 140, Daytona Beach, FL 32114

for CTO20 PERIMETER LLC

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

[illegible]

PUBLIC PARTICIPATION PLAN

DUNWOODY
CRIER

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

February 24, 2025

PUBLISHER'S AFFIDAVIT

Jessica Hood

1010 Commerce Drive
 (770) 725-1200

STATE OF GEORGIA
 COUNTY OF FULTON-, GA

State of Florida, County of Broward, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Appen Media Group, Inc. publishers of the Dunwoody Crier, a printed newspaper published in Alpharetta, Georgia, in said county and state, and that the publication of which the annexed is a true copy, Zaxby's/Dunwoody, was published in said newspapers as provided by law on the following dates:

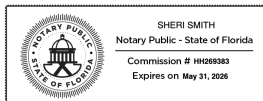
Feb. 20, 2025

in said county and state.

Rachel Cozart

(Signed) _____

State of Florida
 County of Broward



Subscribed in my presence and sworn to before me on this: 02/24/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

RE:
Parcel ID 18 349 05 002
125 Perimeter Center West
Atlanta, GA 30346

To Whom It May Concern:

Zaxby's Properties LLC is seeking a Special Land Use Permit from the City of Dunwoody to construct a Zaxby's restaurant with drive-through.

Please accept this written notice of an applicant-initiated meeting scheduled Thursday, February 27, 2025, at 6:00 p.m. at Ashford Lane to discuss the scope of project.

4530 Olde Perimeter Way
Suite 100
Atlanta, GA 30346

Should you have any questions, please contact Jessica Hood at <jessica@carterengineering.com>.



Friday, February 7, 2025

RE: Parcel ID 18 349 05 002
125 Perimeter Center West
Atlanta, GA 30346

To Whom It May Concern:

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Suite 100
Atlanta, GA 30346

Should you have any questions, please contact Jessica Hood at <jessica@carterengineering.com>.

Zaxby's
125 Perimeter Center West
February 27, 2025 @ 6:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Elizabeth Shin Kevin Shin	822 Perimeter Walk	elizabeth.shaw@bellsouth.net

Summary of February 27, 2025 Community Meeting

On February 27, 2025, Zaxby's, Inc hosted a community meeting. There were two members of the public in attendance. Representatives of Zaxby's and its engineer walked the participants through the site plan and architectural renderings. A general question and answer between the participants and Zaxby's followed with the following items being discussed:

1. The design features of the development were discussed as well as the operation of the restaurant and drive through.
2. It was explained that this location will be Zaxby's flagship restaurant due to its proximity to its corporate headquarters. With its flagship status Zaxby's is seeking a unique design.
3. The participants had questions regarding pedestrian access and traffic flow. Zaxby's engineer explained the pedestrian connections and operation of the drive through.
4. The participants had questions regarding the screening wall along Perimeter Center West.

PRE-APPLICATION REVIEW

From: Madalyn Smith <Madalyn.Smith@dunwoodyga.gov>
Sent: Monday, October 21, 2024 3:26 PM
To: Jeff Carter
Subject: RE: 125 Perimeter Center W - abandoned PNC Bank

Hi Jeff,

Staff has availability Wednesday and Thursday morning between 9 and 11. Please let me know what day/time works best for you.

The intent of the Perimeter Center design regulations is to encourage higher-quality building materials, buildings that address the street, design that enhances walkability.

Happy to discuss the design more in detail at the meeting.


Madalyn Smith
Senior Planner

City of Dunwoody
4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338
P 678.382.6757
@DunwoodyGA dunwoodyga.gov

From: Jeff Carter <jeff@carterengineering.com>
Sent: Monday, October 21, 2024 2:29 PM
To: Madalyn Smith <Madalyn.Smith@dunwoodyga.gov>
Subject: RE: 125 Perimeter Center W - abandoned PNC Bank

Caution: External Message

Madalyn,

Good afternoon. I am ready to schedule a pre-app meeting. Please let me know what is required to get that scheduled. As far as the site plan, please review below and advise.

- 1) There is an existing shared dumpster enclosure shown below. Are you saying it has to be moved even though it is existing? I also added a street view looking at the dumpster which seems to look really good. If it is moved it would be seen by a lot more of the public.

STATEMENT OF INTENT

FIRST AMENDED
STATEMENT OF INTENT

and

Other Material Required by
City of Dunwoody Zoning Ordinance
For the
Special Land Use Permit Application

of

ZAXBY'S PROPERTIES LLC

for

±0.670 Acres of Land
located in
Land Lot 349, 18th District, DeKalb County, City of Dunwoody
125 Perimeter Center West
Dunwoody, Georgia 30338

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks a Special Land Use Permit (“SLUP”) to redevelop ±0.67 acres¹ of land located in Land Lot 349, 18th District of DeKalb County (the “Subject Property”). The Subject Property is a leased parcel of the overall Perimeter Place mixed-use development² located in the northeast quadrant of the intersection of Perimeter Center West and Perimeter Center Parkway. The parcel is currently developed with a 4,359 square foot, vacant bank building and drive-through. The Applicant, Zaxby’s Properties LLC (“Zaxby’s” and/or “Applicant”) seeks to replace the current bank structure with a signature, flagship restaurant that will showcase Zaxby’s brand.

Zaxby’s, headquartered in the City of Dunwoody, states as its mission is to “consistently create encore experiences that enrich lives, one person at a time” and its core values “are built on a willingness to do whatever it takes to do right by our customers, a culture of hospitality and inclusion, and a spirit of boldness—to pursue a vision and chase a dream.”³ Zaxby’s now seeks to incorporate those values into its premiere flagship restaurant in Perimeter Place. Located approximately 1 mile from its corporate headquarters, Zaxby’s envisions the property as an archetype of its brand. The architecture of the building will incorporate significant amounts of glazing, as well as painted brick and metal facades. There will be the standards indoor dining room, as well as an outdoor dining at the building’s front along Perimeter Center Parkway. Additionally, the drive-through will be hidden from view of Perimeter Center West by the building and a masonry screening wall. Thus, the presentation of the building along Perimeter Center West

¹ Note that the ALTA Survey by GeoSurvey, dated 3/9/2021, lists the lease area as 0.87 acres, however this reflects a former, outdated lease area. The current lease area is 0.61 acres as reflected in this application.

² The overall Perimeter Place parcel (Parcel ID 18 349 05 002) is ±17.4-acre parcel located at 1291 Crown Pointe Parkway. The Subject Property is an undivided portion of the overall ±17.4-acre tract.

³ See Zaxby’s website <https://www.zaxbys.com/about>.

will be one that is visually striking without visual clues of a typical quick serve restaurant or drive through. Moreover, the Applicant is proposing the installation of wall murals as public art to enhance the area's appearance. The final design of the public art will be coordinated with the City of Dunwoody Art Commission.

The property is zoned Office Commercial Residential (OCR) and within the Perimeter Center Overlay District. The Applicant seeks to redevelop the vacant drive-through bank building for Zaxby's signature restaurant location. The Applicant will completely remove the existing building and the surrounding asphalt. The redevelopment will result in a net reduction of $\pm 4,644$ square feet of impervious area that will be replaced with landscaped open space. It also includes the removal of an existing drive between the bank building and the right-of-way, allowing the proposed building to be brought closer to Perimeter Center Way, thus allowing better pedestrian engagement and connectivity. In addition, the Applicant is proposing sidewalk connections from Perimeter Center West to the front door and to Perimeter Place's existing sidewalk network. The proposed redevelopment will also reduce onsite parking to encourage patrons living in the nearby residences to walk to the restaurant.⁴ The intent of the Perimeter Center Overlay is to "foster the transformation of Perimeter Center into a pedestrian-friendly, livable center that ensures long term economic, social, and environmental sustainability."⁵ Thus, the Applicant's proposal will bring the Subject Property into greater compliance with the regulations and overall goals of the Perimeter Center Overlay.

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 considerations

⁴ The proposed Zaxby's will have access to existing parking in the Perimeter Place development via existing shared parking agreements.

⁵ See the *City of Dunwoody Code of Ordinances §27-98(a)(1)*.

listed in the City of Dunwoody Zoning Ordinance, § 27-359. A site plan and survey have been filed with the original Application, along with other required materials.

II. IMPACT ANALYSIS

The criteria considered by the City in granting a SLUP are listed in Article V, Division 3, Section 27-359 of the Code. The requested SLUP should be granted because all applicable criteria are met.

A. WHETHER THE PROPOSED USE IS CONSISTENT WITH THE POLICIES OF 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.”⁶ As noted above, the Applicant intends for this proposed restaurant to be the flagship of its entire brand and a showcase example of its restaurants. Accordingly, the restaurant will incorporate high-quality design standards, including a unique architectural design, enhanced façade materials, promotion of walkability, outdoor dining area, and public artworks. Hence, the proposed redevelopment will be entirely consistent with the Perimeter Center Character Area. In particular, 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.”

⁶ See *City of Dunwoody 2020-2040 Comprehensive Plan*, pg. 31.

- ..future development continues to emphasize high quality design standards and building materials; and
- Incorporate public art that enhances the area's appearance, identity and functionality; focus on parks, multi-use trails, gathering spaces and transportation infrastructure; encourage developers to include public art.⁷

The Applicant's proposal for the proposed redevelopment serves to implement specific goals, objectives 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 proposed drive-through restaurant use is allowed in the OCR district through the grant of a SLUP. The Applicant's proposed design will comply with the requirements of the OCR district and the Perimeter Center Overlay, and no variances are requested 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.

There is more than adequate land area to accommodate the proposed use. The Subject Property is ± 0.67 acres. As noted in the paragraphs above, the proposed redevelopment will result in less impervious area, increased open space, and less onsite parking. The proposed restaurant will meet its parking requirements through an existing shared parking agreement that allows the use of existing spaces in the Perimeter Place development.

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

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

No. The Subject Property is adjoined by other commercial uses and will not create any

⁷ See City of Dunwoody 2020-2040 Comprehensive Plan, pgs. 31-32.

adverse impacts due to noise, smoke, odor, dust or vibration. In addition, the proposed drive through restaurant is replacing a current drive through that has been in operation for 19 years.⁸ As a consequence no adverse impacts are anticipated.

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

No. Hours of use will mirror those of the existing businesses in the surrounding Perimeter Place development.

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

No. Retail and restaurant uses have existed near the Subject Property for many years with no adverse impact on the surrounding properties.

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;

No. The proposed project will not have a significant effect on traffic in the area and the existing roadways are anticipated to adequately handle the proposed vehicular trips. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) to calculate the proposed restaurant's vehicular trips (ITE Code 934 Restaurant with Drive-Through). Taking into account the existing vehicular trips generated by the current bank, the proposed development will result in a net increase of ± 79.92 total trips on a weekday, and a net reduction of ± 41.40 trips during the A.M. peak hour, and ± 25.78 less trips during the P.M. peak hour. The Proposed Development's increase in the number of daily vehicular trips is not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. The restaurant will have access to Perimeter Center West, which is classified as a minor arterial⁹ and is intended to

⁸ The current bank building was completed in 2006.

⁹ Refer to the Georgia Department of Transportation Functional Classification Map.

accommodate a large number of vehicular trips. As an example, the Georgia Department of Transportation Traffic Monitoring Station 089-4069, located on Perimeter Center West, east of its intersection with Perimeter Center Parkway, notes an average of 30,000 vehicles per day. The proposed development's trips are insignificant in comparison to the average number of existing trips on Perimeter Center West. As a result, the proposed developments trips are not anticipated to negatively impact the surrounding roadways.

Additionally, the proposed trips are anticipated to be reduced even further when pass-by trips are considered. Drive-through restaurants typically have a high percentage of customers from pass-by trips which are drivers already on the road who decide to stop to pick up food on their way to/from another destination (for example someone stopping to get food on their way home from work to bring home for a family dinner). To state it differently, the drive-through is not a destination itself, but a stop between two other points of travel. This contrasts with a formal, full-service sit-down restaurant, where patrons purposely leave their home to travel to the restaurant as a destination (i.e. creating a vehicular trip specifically for the restaurant). Moreover, the proposed trips are anticipated to be reduced even further due to the walkable nature of the development's location. To promote walkability, the Applicant has included improved for pedestrian connectivity generate an increased number of pedestrian visits from nearby residences.

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;

Yes. The proposed building is appropriate in terms of its size, scale and massing compared to other buildings in the Perimeter Center Overlay. In addition, the proposed building will be approximately 359 square feet smaller than the existing bank building onsite today. It also complies with the Dunwoody Code's maximum height regulations.

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

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 from the requested SLUP.

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

The proposal for the site in question will have minimal effects on city streets, infrastructure or schools. As noted above, the expected traffic generation for the proposed use will result in a slight increase when compared with traffic generated by the bank use currently allowed as-of-right. The roadway impacts, however, are anticipated to be lessened when pass-by capture trips and pedestrian connectivity are taken into account. Also, there is sufficient utility, water and sewer capacity to supply this site. The proposed redevelopment will have no effect on surrounding schools.

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 restaurant will be serviced by existing drives internal to Perimeter Place and will not have any new curbcuts on Perimeter Center West. Furthermore, the Applicant will comply with the Dunwoody Code's requirements for stacking and the drive-through lane design. The proposed use will minimize any potential impacts on existing traffic flow through Perimeter Place. Ingress, egress and traffic flow for the proposed use will not a problem.

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

Yes. See the attached site plan.

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 height will be within the height limits required by the Dunwoody Code. As a result, there will be no negative shadow impact on adjoining lots or buildings.

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 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 Special Land Use Permit 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 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 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 this Application. 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's that has the power to zone and grant Special Land Use Permit 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.

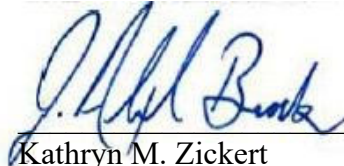
IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the SLUP 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 2nd day of May, 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Alexander Brock", is written over a horizontal line.

Kathryn M. Zickert
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

LAND SURVEY & LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR PROPOSED LEASE AREA

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN LAND LOT 349, 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCEING FROM A DRILLED HOLE IN THE CONCRETE ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST (R/W VARIES), SAID POINT HAVING A GEORGIA STATE PLANE COORDINATE VALUE OF (N: 1,428,972.56', E: 2,242,401.00', NAD 83, GEORGIA WEST ZONE) AND ALONG THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST THE FOLLOWING TWO COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 107.99 FEET AND A RADIUS OF 818.50 FEET AND BEING SUB-TENDED BY A CHORD BEARING SOUTH 58 DEGREES 59 MINUTES 29 SECONDS EAST A CHORD DISTANCE OF 107.91 FEET TO A POINT; THENCE SOUTH 62 DEGREES 49 MINUTES 06 SECONDS EAST A DISTANCE OF 25.27 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST THENCE NORTH 08 DEGREES 21 MINUTES 35 SECONDS WEST A DISTANCE OF 43.47 FEET TO A POINT; THENCE NORTH 27 DEGREES 10 MINUTES 01 SECONDS EAST A DISTANCE OF 120.77 FEET TO A POINT; THENCE SOUTH 63 DEGREES 59 MINUTES 00 SECONDS EAST A DISTANCE OF 29.24 FEET TO A POINT; THENCE SOUTH 86 DEGREES 50 MINUTES 00 SECONDS EAST A DISTANCE OF 134.44 FEET TO A POINT; THENCE SOUTH 06 DEGREES 55 MINUTES 09 SECONDS WEST A DISTANCE OF 34.57 FEET TO A POINT; THENCE SOUTH 26 DEGREES 41 MINUTES 57 SECONDS WEST A DISTANCE OF 106.87 FEET TO A POINT; THENCE SOUTH 29 DEGREES 29 MINUTES 35 SECONDS EAST A DISTANCE OF 12.16 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30 MINUTES 25 SECONDS WEST A DISTANCE OF 16.61 FEET TO A POINT; THENCE SOUTH 28 DEGREES 05 MINUTES 10 SECONDS WEST A DISTANCE OF 51.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST (R/W VARIES); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST NORTH 62 DEGREES 49 MINUTES 06 SECONDS WEST A DISTANCE OF 139.83 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 0.67 ACRES (29,325.01 SQFT).

SITE PLAN

PERIMETER CENTER OVERLAY REQUIREMENTS

PERIMETER CENTER DISTRICT: PC-1 DISTRICT

STREET FRONTAGE NOTE: THERE ARE NO KNOWN OR WARRANTED WORK PROPOSED ALONG THE EXISTING STREET FRONTAGES. PROPOSED WORK LIES WITHIN LEASEABLE SPACE.

MAJOR PARKWAY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 34-FEET MEASURED FROM EXISTING CURB. TREES SHALL BE SPACED INTERMITTENTLY ALONG PARKWAY (BETWEEN 12-FEET AND 40-FEET ON CENTER). THE BUFFER SHALL CONSIST OF AT LEAST 5 CANOPY TREES PER 100-FEET OF BUFFER. A MINIMUM 6-FOOT DEEP LANDSCAPE/PATIO AREA IS REQUIRED.

PERIMETER CENTER WEST
TREES REQUIRED (205/100 x 5)
TREES PROVIDED (EXISTING/PROPOSED)

205 SF
10 TREES
10 TREES (6/4)

PRIMARY STREET TYPE REQUIREMENTS: THE MINIMUM DEPTH OF THE FRONTAGE SHALL BE 24-FEET MEASURED FROM EXISTING CURB. MINIMUM OF ONE-TREE PER 30 LINEAR FEET OF FRONTAGE, SPACED EQUALLY OR INFORMALLY.

PRIMARY ACCESS STREET (WEST)
TREES REQUIRED (120/30)
TREES PROVIDED

120 SF
4 TREES
6 EXISTING TREES

PC-1 DISTRICT REQUIREMENTS: DRIVE THRU FACILITIES AND STRUCTURES SHALL BE LOCATED ON THE REAR OR SIDE FACADE OF THE BUILDING OR IN THE REAR OF THE LOT BEHIND THE BUILDING. THE STRUCTURE SHOULD NOT BE VISIBLE FROM ANY PRIMARY STREET. STACKING LANES SHALL BE LOCATED PERPENDICULAR TO THE PRIMARY STREET OR BEHIND THE BUILDING. THE CANOPY, COLUMNS, AND STRUCTURE SHALL BE CONSTRUCTED SUBSTANTIALLY OF THE SAME MATERIALS UTILIZED ON THE BUILDING.

DRIVE-THRU FACILITY MEETS EXISTING CONDITION AND IS LOCATED AT THE REAR OF THE SITE AND BEHIND THE BUILDING. THE STACKING LANES ARE PERPENDICULAR TO THE PRIMARY STREET AND SHALL BE SCREENED FROM VIEW WITH LANDSCAPE AND VEGETATION.

GENERAL SITE NOTES

- ALL DIMENSIONS ARE MEASURED TO THE FACE OF THE CURB UNLESS SPECIFIED OTHERWISE.
- ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
- BOUNDARY & TOPOGRAPHIC SURVEY BY CARTER ENGINEERING CONSULTANTS, INC.
- FLOOD PLAIN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER
- 2 HANDICAP SPACES ARE REQUIRED
- ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
- THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFFSITE WORK, INCLUDING, STORM DRAINAGE, CURB, AND GUTTER AND PLACEMENT TIE-INS AND GRADING.
- REFERENCE ARCHITECTURAL PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.
- ALL NEW PAVEMENT SHALL MEET OR EXCEED GEOTECHNICAL SPECIFICATIONS.

SITE SUMMARY

SITE LEASE AREA	
SITE LEASE AREA	29,325 SF (0.67 AC)
IMPERVIOUS AREA (EXISTING)	23,554 SF (0.54 AC)
IMPERVIOUS AREA (PROPOSED)	18,910 SF (0.43 AC)
PERVIOUS AREA (PROPOSED)	10,415 SF (0.24 AC)

BUILDING SUMMARY

BUILDING AREA (EXISTING)	4,359 SF
BUILDING AREA (PROPOSED)	4,000 SF
BUILDING COVERAGE	13.64%

PARKING SUMMARY

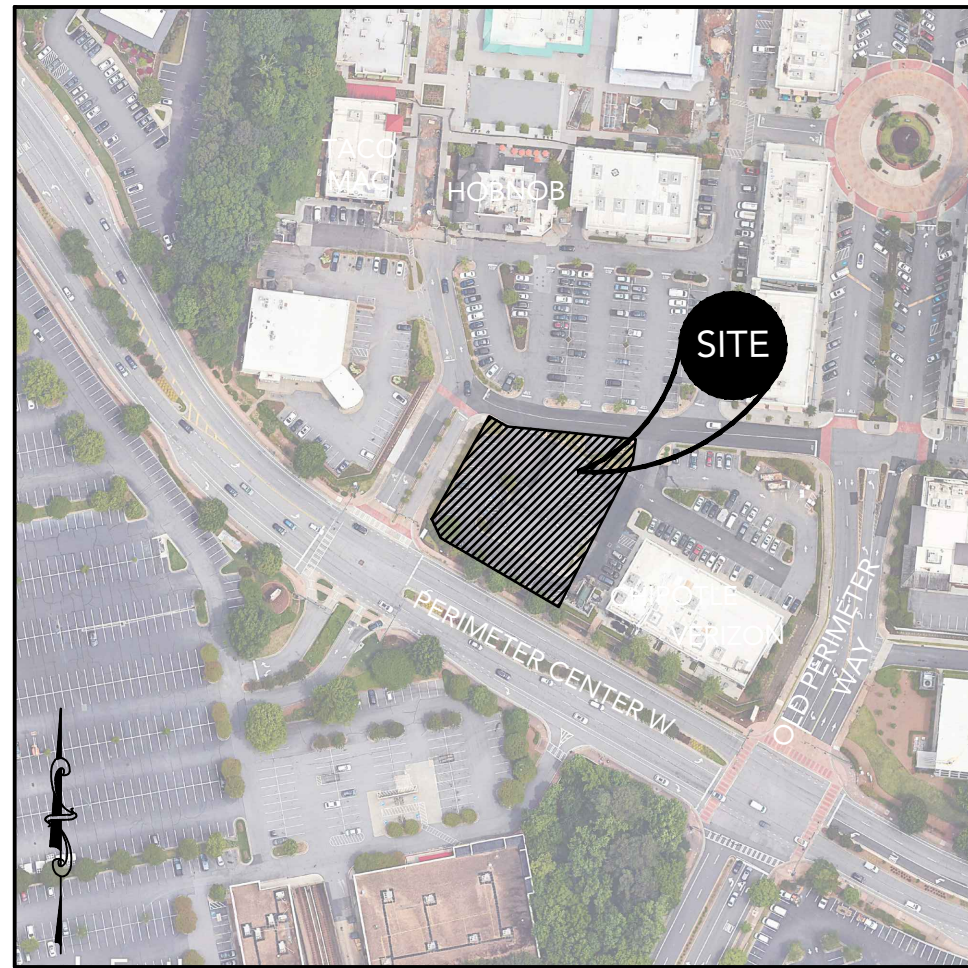
PARKING REQUIREMENT: THERE SHALL BE TEN (10) SPACED PER 1,000 SQUARE FEET OF BUILDING AREA WITH A MINIMUM OF FOUR (4) SPACES.	
PARKING REQUIRED	40 SPACES
PARKING PROPOSED	16 ON-SITE

SHARED PARKING ALLOWS FOR ADEQUATE NUMBER OF SPACES

MINIMUM STALL DIMENSIONS	8.5' X 18'
MINIMUM DRIVE WIDTH	22'

PAVEMENT LEGEND

CONCRETE PAVEMENT (SIDEWALK AND STANDARD)	
HEAVY DUTY CONCRETE PAVEMENT	
ASPHALT PAVEMENT	
OPEN SPACE / GREENSPACE AND LANDSCAPING (10,415 SF - 35.52%)	



LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION

DRAWING SET PREPARED BY: CARTER ENGINEERING CONSULTANTS, INC. 1010 COMMERCE DRIVE BOGART, GA 30622 CONTACT: JEFF CARTER, P.E. PHONE: 770.725.1200 JEFF@CARTERENGINEERING.COM	PROPERTY OWNER CTO20 PERIMETER LLC 1140 N WILLIAMSON BLVD, STE 140 DAYTONA BEACH, FL 32114
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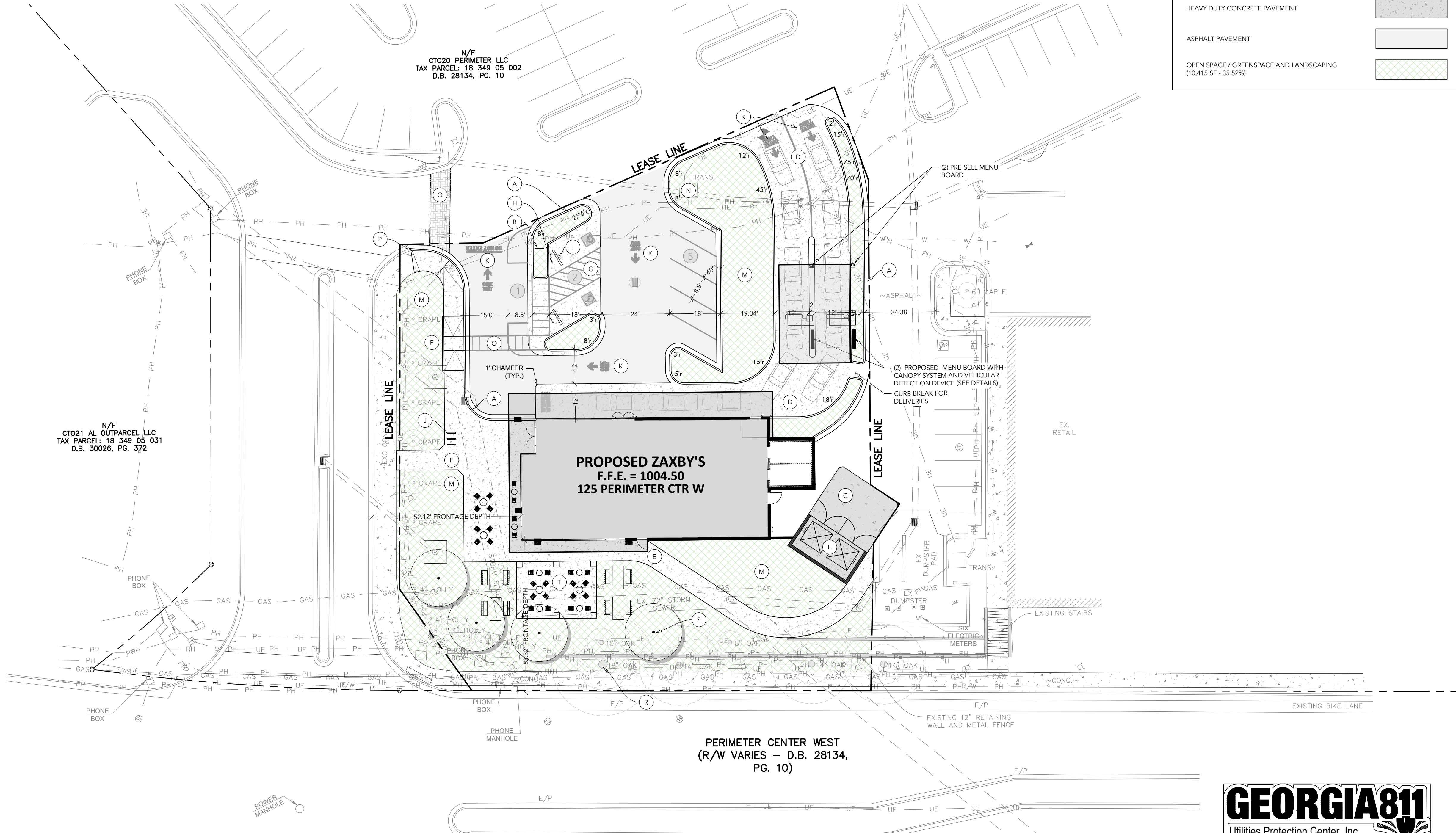
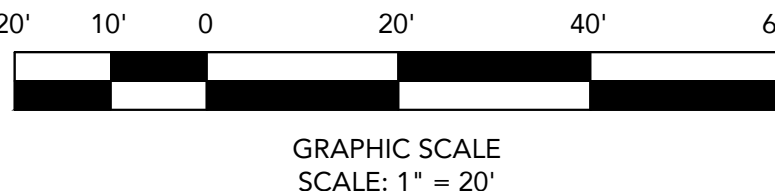
SITE INFORMATION

JURISDICTION	CITY OF DUNWOODY
PROPERTY LOCATION	125 PERIMETER CTR W DUNWOODY, GA 30346
PARCEL NUMBER	18 349 05 002
CURRENT ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
PROPOSED ZONING	OCR (OFFICE-COMMERCIAL RESIDENTIAL)
OVERLAY DISTRICT	PERIMETER CENTER OVERLAY
EXISTING USE	COMMERCIAL
PROPOSED USE	COMMERCIAL RESTAURANT
REQUIRED BUILDING SETBACKS	FRONT: 0-FEET SIDE: 20-FEET REAR: 40-FEET
MAXIMUM LOT COVERAGE	80%
MINIMUM LANDSCAPE	20%
MAXIMUM BUILDING HEIGHT	35-FEET
SANITARY SEWER SERVICE	DEKALB COUNTY
WATER SERVICE	DEKALB COUNTY
FEMA FLOOD INSURANCE RATE MAP NO.	13089C0011K
FEMA FIRM DATE	08/15/2019
FEMA SFHA ZONE	'X'

UNDERGROUND UTILITY DISCLAIMER:
THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD INFORMATION AND/OR EXISTING DRAWINGS. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE OWNER, HIS/HER EMPLOYEES, CONSULTANTS AND CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE CARTER ENGINEERING IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION REGARDING THE UNDERGROUND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD LOCATE ALL UTILITIES PRIOR TO COMMENCING WORK AND NOTIFY ENGINEER IF A DISCREPANCY IS FOUND. SPECIFICALLY, THE CONTRACTOR SHALL VERIFY THE INVERT ELEVATIONS OF ALL EXISTING STORM AND SANITARY SEWER STRUCTURES PRIOR TO COMMENCEMENT OF STORM AND SANITARY SEWER CONSTRUCTION.

SITE PLAN LEGEND

A	24" CURB & GUTTER, SEE STANDARD DETAIL
B	STOP SIGN (R1-1), SEE STANDARD DETAIL
C	HEAVY DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS
D	STANDARD DUTY CONCRETE, REFER TO GEOTECH REPORT FOR PAVEMENT STANDARDS
E	CONCRETE SIDEWALK, SEE STANDARD DETAIL
F	GDOT STANDARD ADA RAMP WITH DETECTABLE WARNING, SEE DETAIL
G	ADA PARKING AREA, SEE ADA PARKING PLAN
H	ADA PARKING SIGN, SEE STANDARD DETAIL
I	CONCRETE WHEELSTOP, SEE STANDARD DETAIL
J	BIKE RACKS, SEE STANDARD DETAIL
K	ZAXBY'S PAVEMENT MARKINGS, SEE STANDARD DETAILS
L	DUMPSTER ENCLOSURE, REFER TO ARCHITECTURAL PLANS FOR DETAIL
M	LANDSCAPE AREA, SEE LANDSCAPE PLAN
N	EXISTING TRANSFORMER TO REMAIN, SEE UTILITY PLAN
O	5' WIDE CONCRETE SIDEWALK WITH WHITE STRIPED PEDESTRIAN CROSSWALK
P	CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER
Q	CROSSWALK TO MATCH EXISTING CROSSWALK
R	EXISTING TREE TO REMAIN, REFER TO TREE PROTECTION PLAN
S	PROPOSED TREE TO MEET DENSITY, TYPICAL
T	OUTDOOR PATIO AREA



GSWVCC Level II Certification
No. 000000000083



**CARTER
ENGINEERING**

CARTER ENGINEERING
1010 COMMERCE DRIVE
BOGART, GA 30622

P: 770.725.1200
F: 770.725.1204
www.carterengineering.com

**SITE DEVELOPMENT PLANS
FOR
ZAXBY'S RESTAURANT
125 PERIMETER CTR W - DUNWOODY, GA 30346**

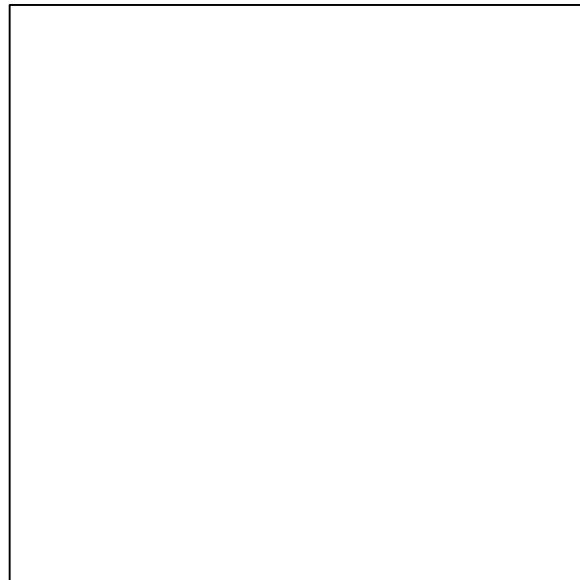
SHEET TITLE:
SITE PLAN

PROJECT NAME:
ZAXBY'S

SHEET NUMBER:
C 3.0

PROJECT NUMBER:
24008ZAX

DATE:
02/07/2025



CLERK OF THE SUPERIOR COURT
RECORDING INFORMATION

SURVEYOR'S REFERENCES:

1. DEED BOOK 3026, PAGE 372.
2. DEED BOOK 28134, PAGE 10.

LEGAL DESCRIPTION FOR PROPOSED LEASE AREA:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN LAND LOT 349, 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCEING FROM A DRILLED HOLE IN THE CONCRETE ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST (R/W VARIES), SAID POINT HAVING A GEORGIA STATE PLANE COORDINATE VALUE OF (N: 1,428,972.56', E: 2,242,401.00'; NAD 83, GEORGIA WEST ZONE) AND ALONG THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST THE FOLLOWING TWO COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 107.99 FEET AND A RADIUS OF 818.50 FEET AND BEING SUB-TENDED BY A CHORD BEARING SOUTH 58 DEGREES 59 MINUTES 29 SECONDS EAST A CHORD DISTANCE OF 107.91 FEET TO A POINT; THENCE SOUTH 62 DEGREES 49 MINUTES 06 SECONDS EAST A DISTANCE OF 25.27 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED AND DEPARTING THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST THENCE NORTH 08 DEGREES 21 MINUTES 35 SECONDS WEST A DISTANCE OF 43.47 FEET TO A POINT; THENCE NORTH 27 DEGREES 10 MINUTES 01 SECONDS EAST A DISTANCE OF 120.77 FEET TO A POINT; THENCE SOUTH 63 DEGREES 59 MINUTES 00 SECONDS EAST A DISTANCE OF 29.24 FEET TO A POINT; THENCE SOUTH 86 DEGREES 50 MINUTES 00 SECONDS EAST A DISTANCE OF 134.44 FEET TO A POINT; THENCE SOUTH 06 DEGREES 55 MINUTES 09 SECONDS WEST A DISTANCE OF 34.57 FEET TO A POINT; THENCE SOUTH 26 DEGREES 41 MINUTES 57 SECONDS WEST A DISTANCE OF 106.87 FEET TO A POINT; THENCE SOUTH 29 DEGREES 29 MINUTES 35 SECONDS EAST A DISTANCE OF 12.16 FEET TO A POINT; THENCE SOUTH 60 DEGREES 30 MINUTES 25 SECONDS WEST A DISTANCE OF 16.61 FEET TO A POINT; THENCE SOUTH 28 DEGREES 05 MINUTES 10 SECONDS WEST A DISTANCE OF 51.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST (R/W VARIES); THENCE ALONG THE SAID NORTHERLY RIGHT OF WAY MARGIN OF PERIMETER CENTER WEST NORTH 62 DEGREES 49 MINUTES 06 SECONDS WEST A DISTANCE OF 139.83 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL BEING 0.67 ACRES (29,325.01 SQFT).

SURVEYOR'S NOTES:

1. DISTANCES ON THIS SURVEY ARE HORIZONTAL DISTANCES SHOWN AS "GROUND" DISTANCES AND ARE EXPRESSED IN U.S. SURVEY FEET.
2. THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, STATE WATER BUFFERS AND OTHER ENCUMBRANCES. SAID EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, STATE WATER BUFFERS AND OTHER ENCUMBRANCES MAY NOT BE SHOWN HEREON.
3. NO CEMETERIES WERE OBSERVED ON THIS PROPERTY AT THE TIME OF SURVEY.
4. UNDERGROUND FOUNDATIONS, IF ANY, HAVE NOT BEEN LOCATED.
5. BEARINGS ARE BASED ON GRID NORTH (GA WEST ZONE) WHICH WAS ESTABLISHED USING RTK GPS ON THE egps NETWORK.
6. THE FIELD WORK WAS COMPLETED ON JANUARY 17, 2025 AND WAS PERFORMED USING A CARLSON BRx7 BASE AND ROVER AND A GEOMAX CR5+ ROBOTIC TOTAL STATION.
7. THE RELATIVE POSITIONAL ACCURACY DOES NOT EXCEED 0.07 FEET (HORIZONTAL AND VERTICAL) AT THE 95% CONFIDENCE LEVEL.
8. THE HORIZONTAL DATUM IS NAD 83 AND THE VERTICAL DATUM IS NAVD 88.
9. SURVEYOR NOT PROVIDED WITH ZONING REPORT, ZONING AND TAX PARCEL NUMBERS SHOWN PER DEKALB COUNTY GIS.
10. PROPERTY LINES SHOWN HEREON ARE PROPOSED.



CARTER ENGINEERING
CONSULTANTS, INC.
1010 COMMERCE DR.
BOGART, GA 30622

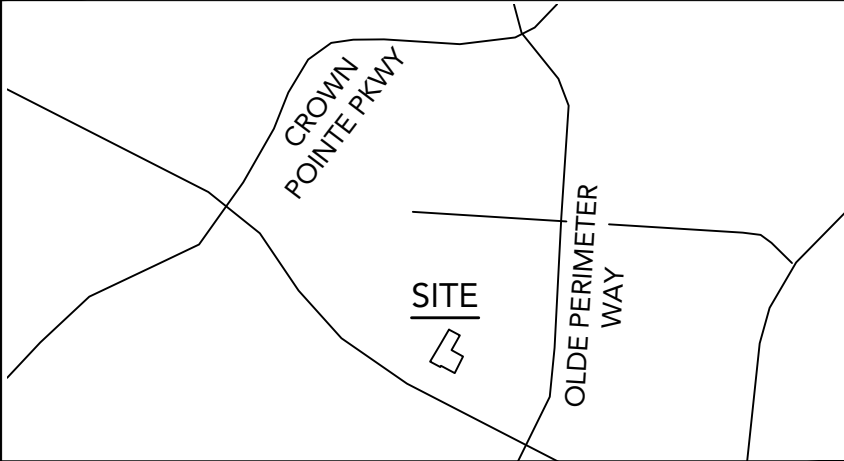
P: 770.725.1200
F: 770.725.1204
WWW.CARTERENGINEERING.COM

SURVEY FOR THE PURPOSE OF LEASE
AREA FOR:

ZAXBY'S FRANCHISING LLC

125 PERIMETER CENTER W
ATLANTA, GEORGIA 30346
DEKALB COUNTY
LAND LOT 349, 18TH DISTRICT

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LOCATION MAP - NTS

LEGEND OF SURVEY ABBREVIATIONS/SYMBOLS

A	ARC LENGTH	+	BACKFLOW PREVENTER
A/C	AIR CONDITIONER	+	BENCHMARK/CONTROL
BSL	BUILDING SETBACK LINE	+	BOLLARD
CL	CENTERLINE	+	BURIED CABLE POST
CM	CONCRETE MONUMENT	+	CABLE TV PEDESTAL
CMP	CORRUGATED METAL PIPE	+	CATCH BASIN (SINGLE WING)
CONC	CONCRETE	+	CATCH BASIN (DOUBLE WING)
COV	COVERED	+	CHAIN LINK FENCE
DB	DEED BOOK	+	ELECTRIC BOX
DE	DRAINAGE EASEMENT	+	ELECTRIC MANHOLE
DP	DUCTILE IRON PIPE	+	ELECTRIC METER
DWCB	DOUBLE WING CATCH BASIN	+	ELECTRIC PEDESTAL
ENCR	ENCROACHMENT	+	FIRE DISCONNECT
E/P	EDGE OF PAVEMENT	+	FIRE HYDRANT
ESMT	EASEMENT	+	GAS BOX
ET	ELECTRIC TRANSFORMER	+	GAS LINE (BURIED)
FES	FLAIED END SECTION	+	GAS METER
FD	FOUND	+	GAS POST
FRE	FINISHED FLOOR ELEVATION	+	GAS VALVE
HDPE	HIGH DENSITY POLYETHYLENE	+	GAS VENT STACK
IE	INVERT ELEVATION	+	GATE/WATER VALVE
IP	IRON PIPE	+	GREASE TRAP MH
M	MEASURED	+	GUYANCHOR
MH	MANHOLE	+	IRRIGATION CONTROL VALVE
N/F	NOW OR FORMERLY	+	METAL LIGHT POLE
NTS	NOT TO SCALE	+	OVERHEAD UTILITIES
O/S	OFFSET	+	PHONE LINE (BURIED)
PB	PLAT BOOK	+	POWER (BURIED)
PDI	PEDESTAL DROP INLET	+	POWER POLE
PG	PAGE	+	SANITARY SEWER CLEAN-OUT
POB	POINT OF BEGINNING	+	SS LINE (BURIED)
POC	POINT OF COMMENCEMENT	+	SANITARY SEWER MANHOLE
PVC	POLYVINYL CHLORIDE	+	SIGN
R	RADIAL/RADIUS	+	STORM SEWER MANHOLE
RCP	REINFORCED CONCRETE PIPE	+	STORM SEWER LINE (BURIED)
R/W	RIGHT-OF-WAY	+	STREET/PARKING LIGHT
SWB	STATE WATERS BUFFER	+	STUB (UNKNOWN)
SWCB	SINGLE WING CATCH BASIN	+	TELEPHONE PEDESTAL
SS	SANITARY SEWER	+	TRAFFIC SIGNAL BOX
SSMH	SANITARY SEWER MANHOLE	+	WATER LINE (BURIED)
TYP	TYPICAL	+	WATER METER
UE	UTILITY EASEMENT	+	WATER VALVE
WI	WEIR INLET	+	WOOD FENCE
3/4" OTF	3/4" OPEN TOP PIPE FOUND	+	WOOD LIGHT POLE
#ARB	1/2" REBAR FOUND	+	
#ARB	1/2" REBAR SET	+	
PKNF	PK NAIL FOUND	+	
		+	PK NAIL SET
		+	5"X5" R/W MONUMENT FOUND

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THIS SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE "X" ACCORDING TO FEMA (FIA) COMMUNITY NUMBER 130679, MAP NUMBER 13089C0011K, DATED AUGUST 15, 2019.

DATE PREPARED:
2-28-2025

PROJECT #:
24008ZAX

DRAWN BY: JCW

REVISIONS:

DATE:

GRAPHIC SCALE
0' 10' 20' 40' 60'

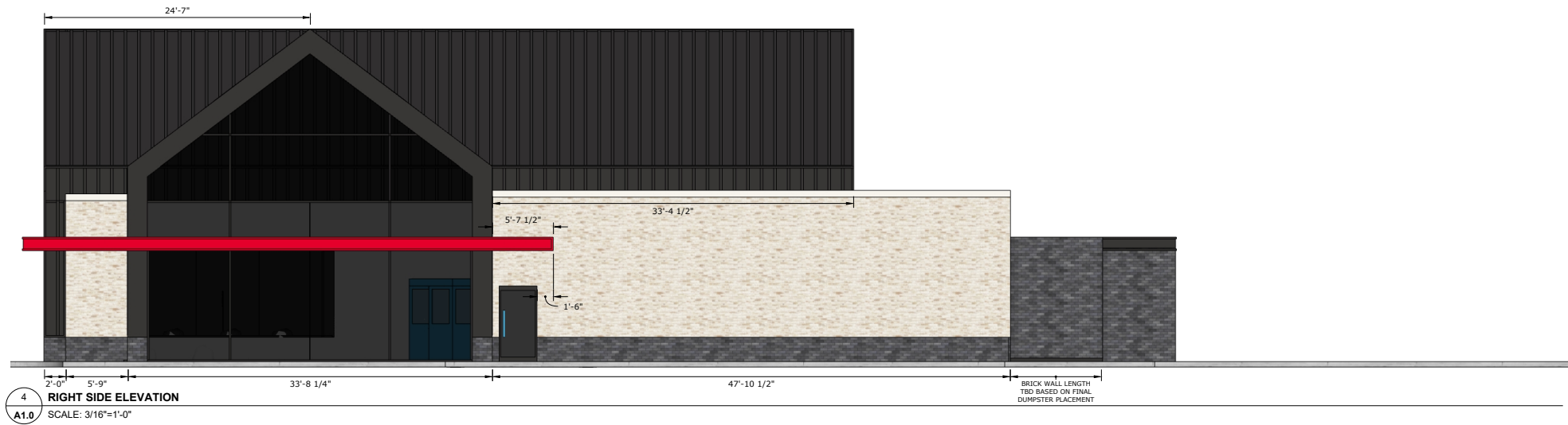
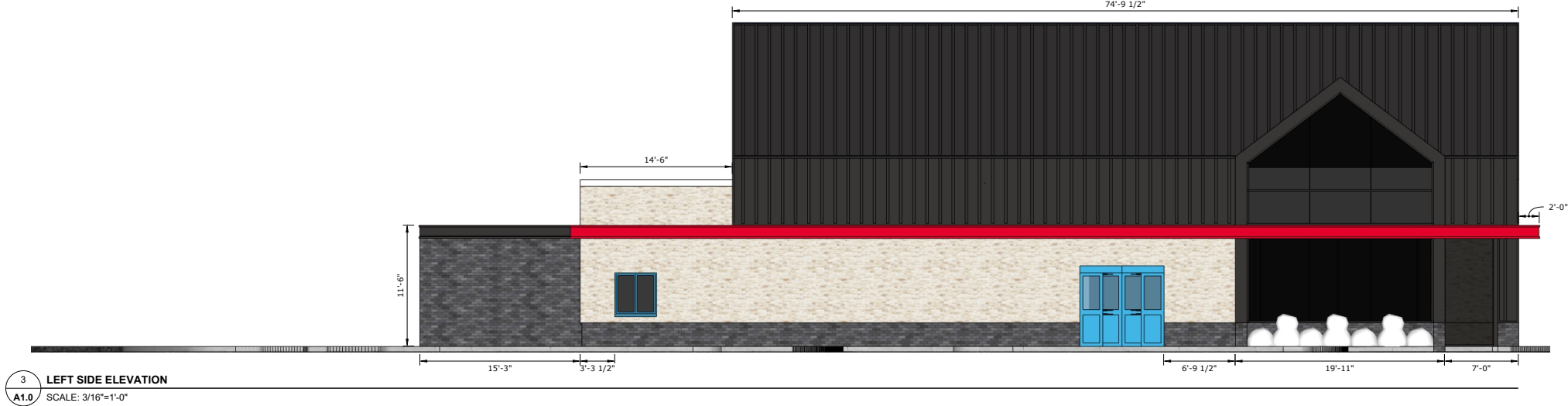
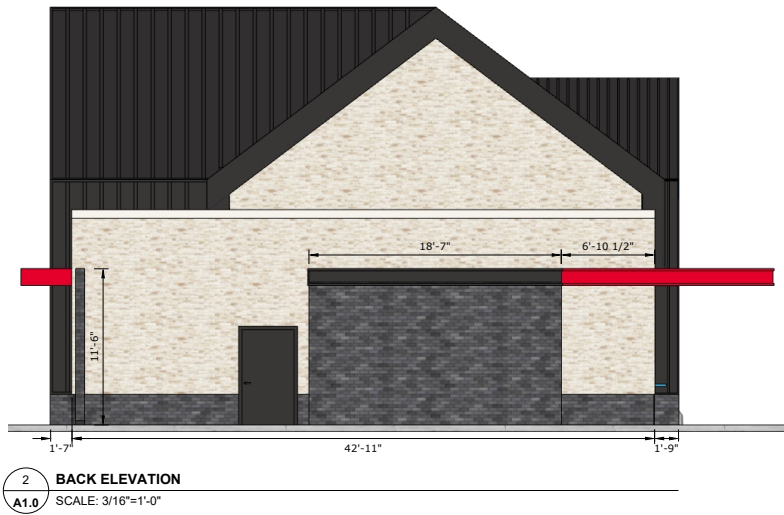
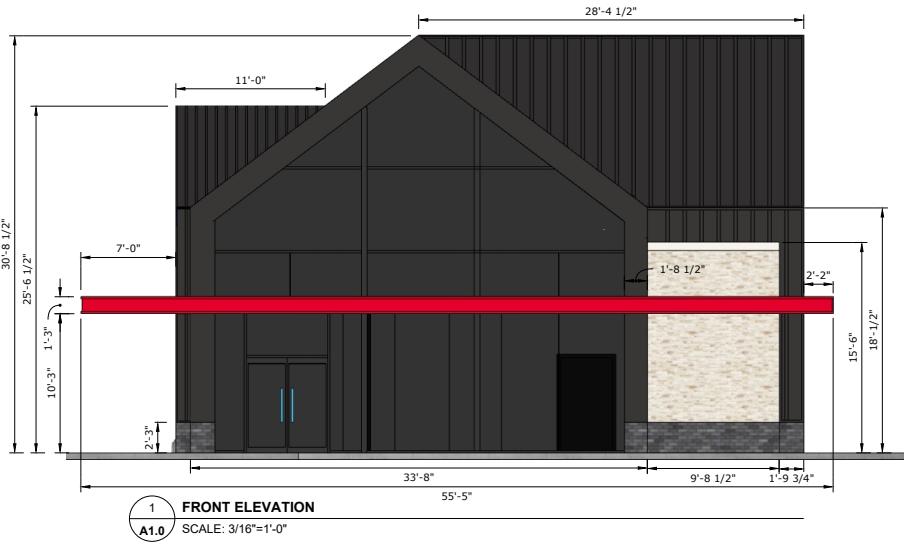
SHEET #
1
1



(i) AS REQUIRED BY SUBSECTION (d) of O.G.C.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.

Michael Foley

ELEVATIONS



ChangeUp

2056 Byers Rd, Mansfield, OH 44803
T + 18448047700
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Notes:

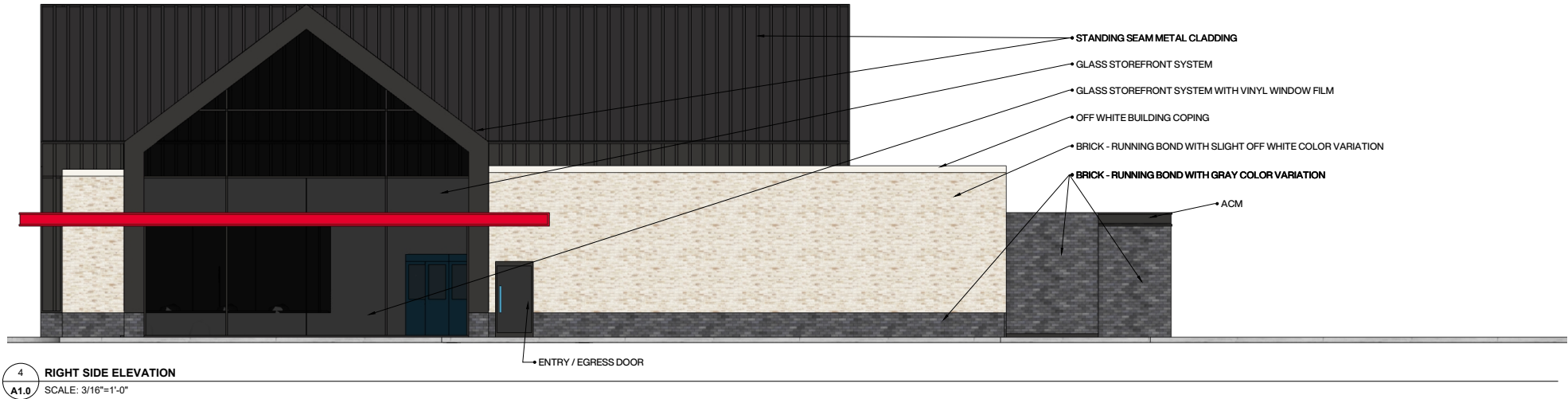
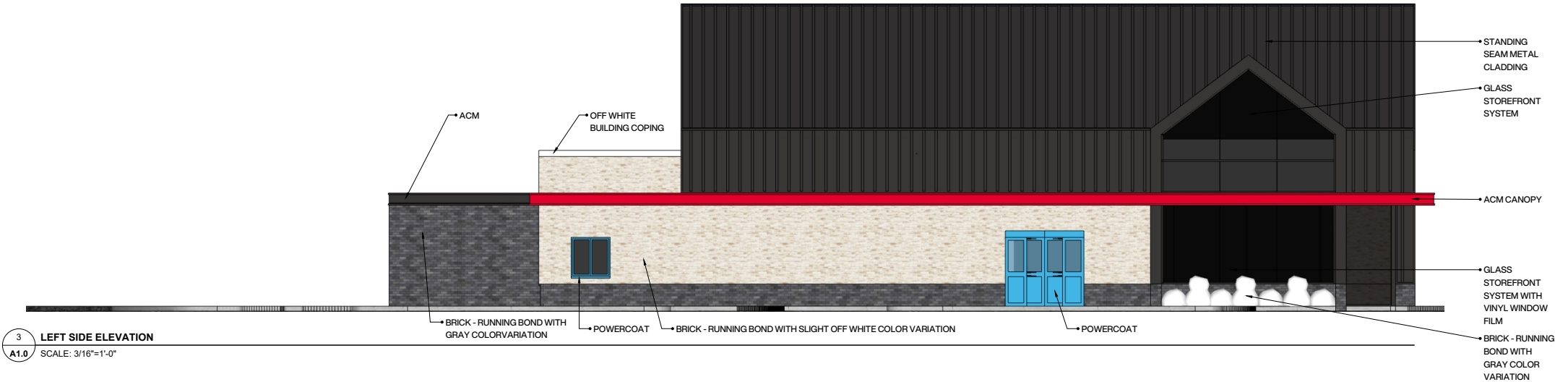
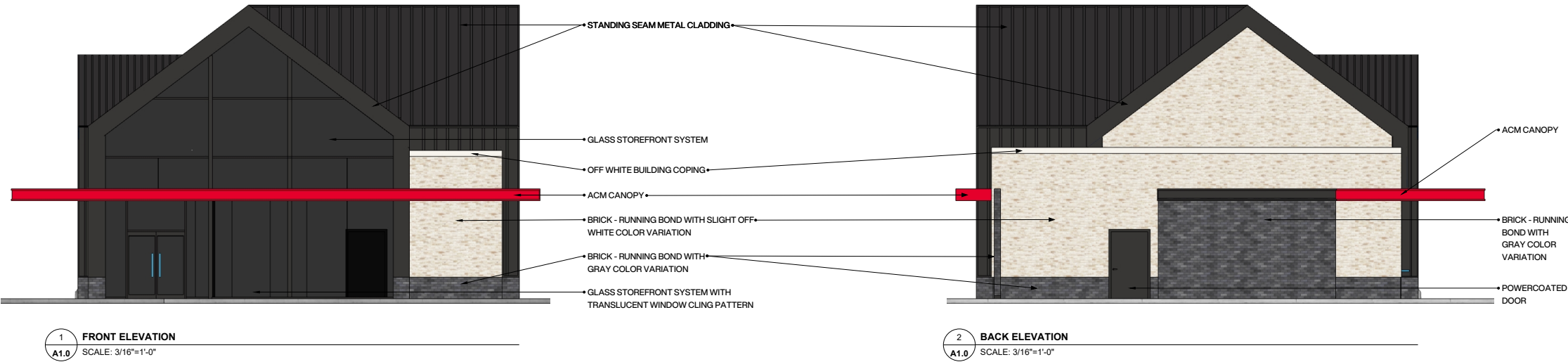
DESIGN
INTENT
DRAWINGS

These drawings are for communication of design intent only. They are shown to a specific size, shape, color, feature and proportion, and not to be used as fabrication drawings.

Zaxby's
Design Refinement
DID's

Exterior Elevations

Drawing No:
A1.0



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Notes:

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Zaxby's
Design Refinement
DID's

Exterior Elevations

Drawing No:
A1.0



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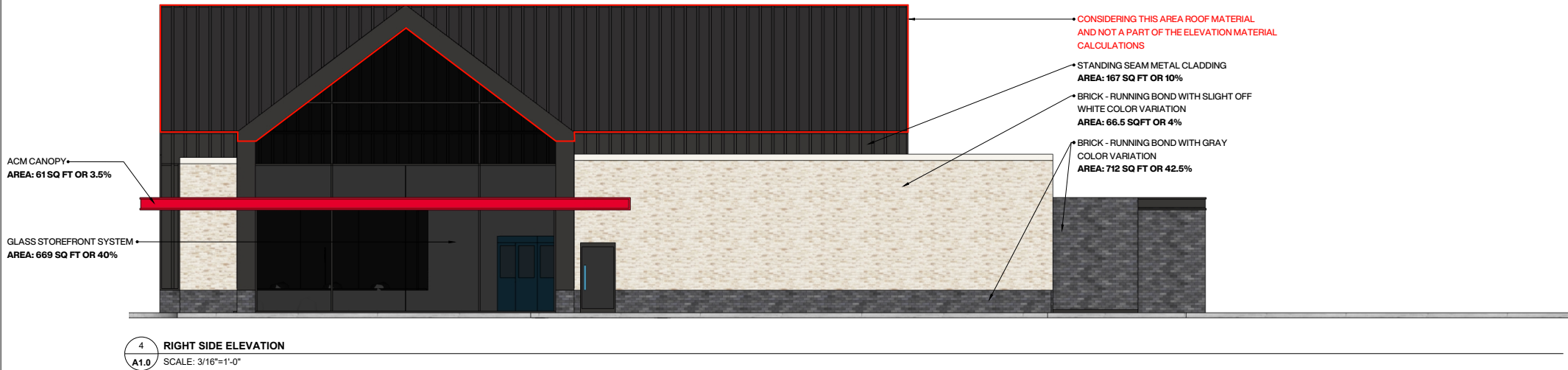
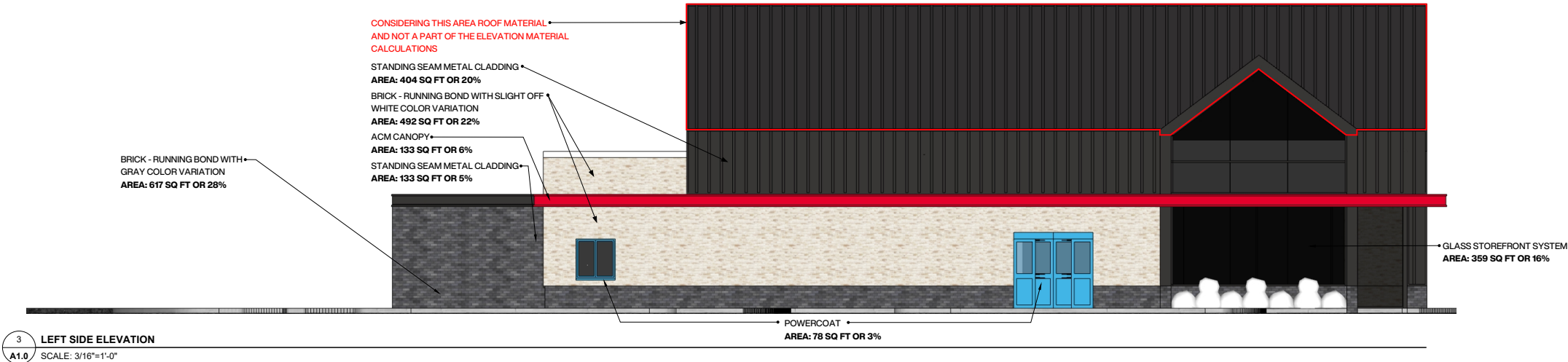
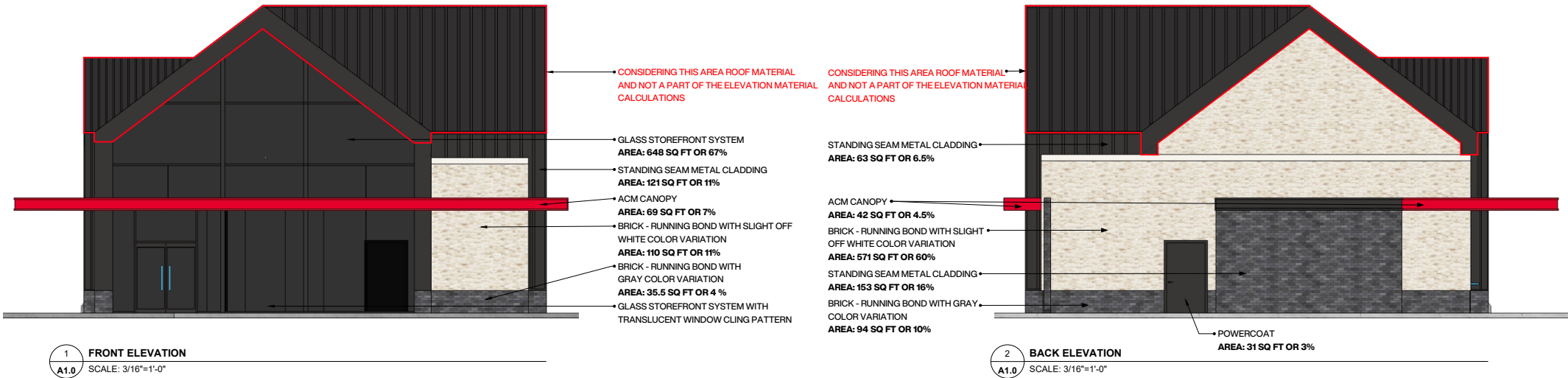
DESIGN
INTENT
DRAWINGS

These drawings are for communication of design intent only. They are shown to a specific size, shape, color, feature and proportion, and not to be used as fabrication drawings.

Zaxby's
Design Refinement
DID's

Exterior Elevations

Drawing No:
R100



CORNER ENTRY
NO SIGNAGE & GRAPHICS



ENTRY
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



DRIVE-THRU
NO SIGNAGE & GRAPHICS



OUTDOOR SEATING
NO SIGNAGE & GRAPHICS



OUTDOOR SEATING
NO SIGNAGE & GRAPHICS



OUTDOOR SEATING - BIRDSEYE
NO SIGNAGE & GRAPHICS



ENVIRONMENTAL SITE ANALYSIS

M E M O R A N D U M

TO: City of Dunwoody, Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209)
Kathryn M. Zickert, Smith, Gambrell & Russell, LLP
Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

DATE: March 4, 2025

RE: Environmental Site Analysis – 125 Perimeter Center West

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 Applicant intends for this proposed restaurant to be the flagship of its entire brand and a showcase example of its restaurants. Accordingly, the restaurant will incorporate high-quality design standards, including a unique architectural design, enhanced façade materials, promotion of walkability, outdoor dining area, and public artworks. Hence, the proposed redevelopment will be entirely consistent with the Perimeter Center Character Area. In particular, 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.”
- ..future development continues to emphasize high quality design standards and building materials; and
- Incorporate public art that enhances the area’s appearance, identity and functionality; focus on parks, multi-use trails, gathering spaces and transportation infrastructure; encourage developers to include public art.

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 13089C0011K, effective August 15, 2019. The Proposed Development will not encroach into any portion of a floodplain.

National Flood Hazard Layer FIRMette

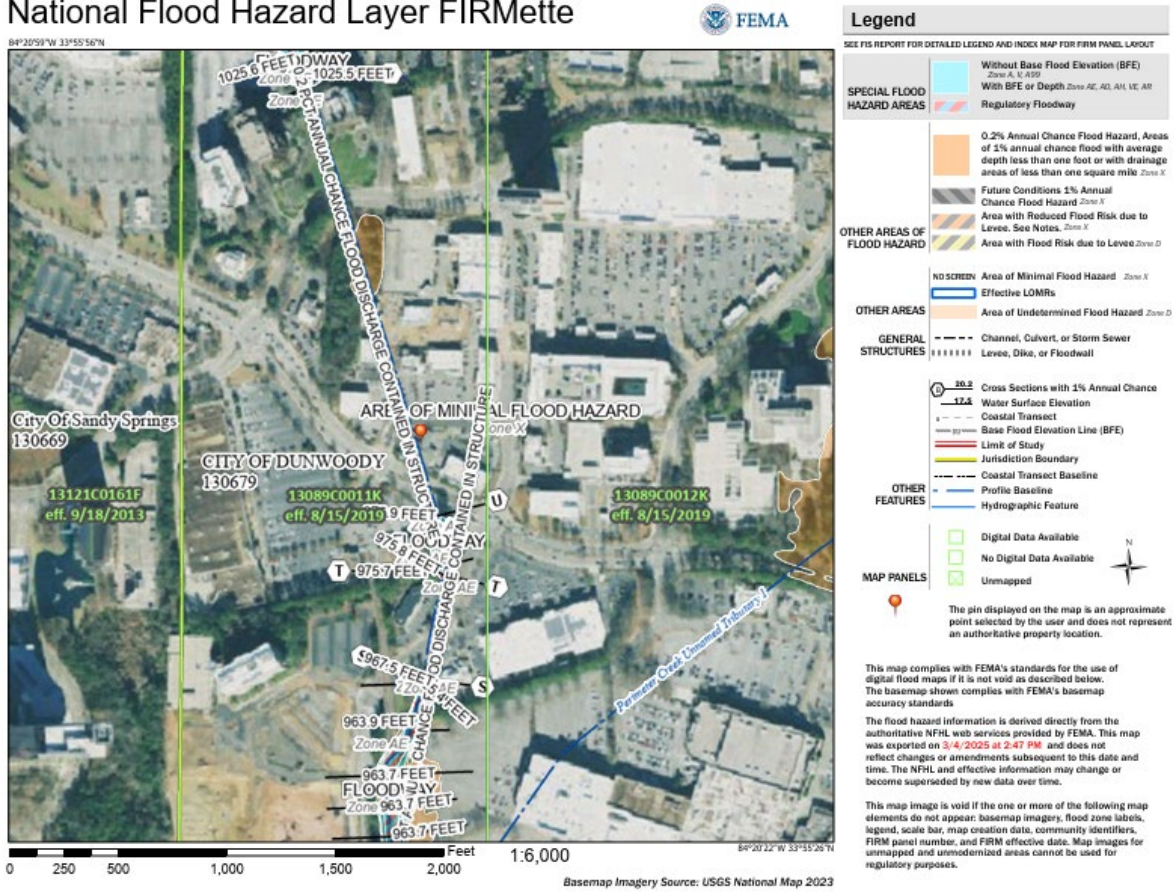


Figure 3. FEMA FIRM Panel

c) Streams/stream buffers

There are no streams on the Subject Property as indicated on the ALTA survey prepared by GeoSurvey, dated March 09, 2021. 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 February 27, 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 February 27, 2025.

g) Archeological/Historical Sites

According 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 bank building.

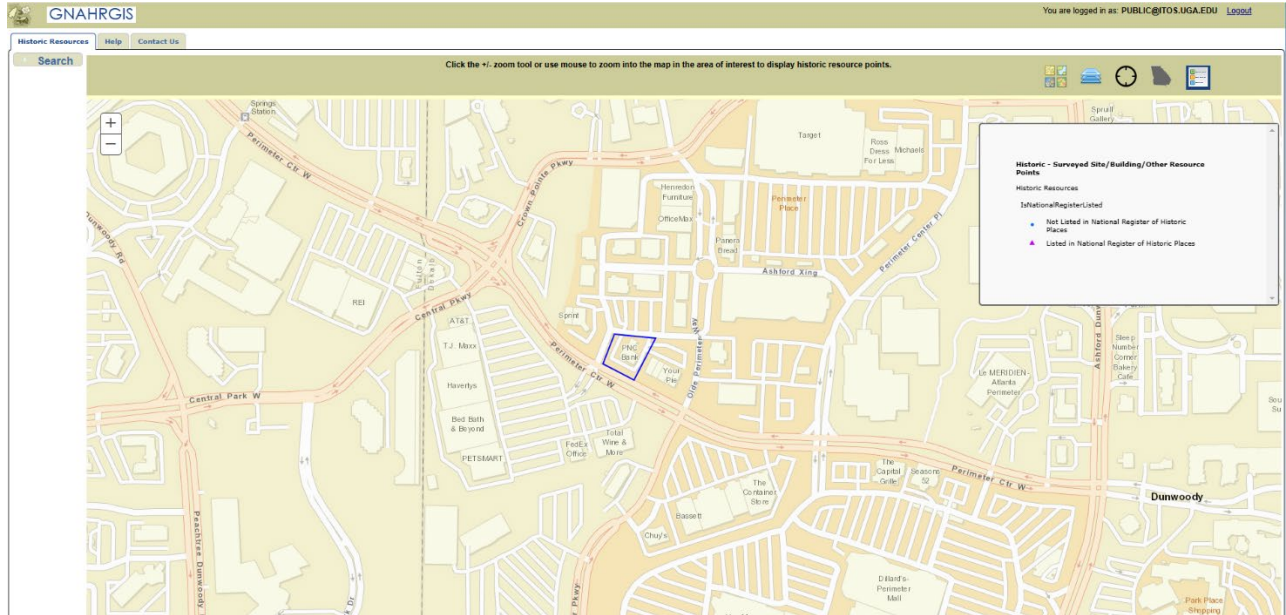


Figure 4. GNAHRGIS Map

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 landscaped 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. The proposed restaurant use is similar in operation to the existing bank use and drive-through, thus will not result in any additional impacts.

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 February 27, 2025 site visit and as a result no impacts are anticipated.

SITE PHOTOS









Madalyn Smith

From: Dave Knight <[REDACTED]>
Sent: Tuesday, November 4, 2025 4:54 PM
To: Madalyn Smith; Lynn Deutsch; Eric Linton; Sharon Lowery; Catherine Lautenbacher; Rob Price; Tom Lambert; Stacey Harris; Joe Seconder; John Heneghan
Subject: Zaxby's Properties, LLC Requesting a Special Land Use Permit

Warning: Unusual sender <knightanddayassurance@gmail.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Madalyn,

Thank you for the notification about the Zaxby Properties, LLC requesting that a Drive thru be permitted to be installed alongside their free-standing building. Personally, I cannot support this request because I feel it will increase the traffic flow in the area where there is a very high foot traffic flow at present. Many Youth are in that area, especially children with their parents playing in the green space areas.

Since I am an owner within the Manhattan High Rise, I am also concerned about additional traffic flow at night. Normally, Drive-thru's are left open longer than the sit down restaurant which will encourage more vehicle traffic late at night. If this one exception is made for Zaxby's then other restaurants will have the right to do the same since a precedent will have been set for Zaxby's. At present, this is a very nice and quaint area of Dunwoody and provides an aesthetic area for folks to feel comfortable to shop and frequent the local restaurants. One thing my wife and I were attracted to the current area was because we felt safe and enjoyed walking on the streets in the evenings.

I like Zaxby's food but prefer to walk in to be served. So, if Zaxby's desire is to install a free-standing restaurant without the drive thru then I can endorse that. However, if Zaxby's says they must have a drive thru or they will locate elsewhere then I encourage them to find an alternate location.

Thank you and the City Council for the opportunity to express my opinion.

Yours truly,
 Ronald D. Knight

Madalyn Smith

From: Phil Box <[REDACTED]>
Sent: Monday, September 22, 2025 8:30 PM
To: Madalyn Smith
Subject: SLUP 25-02 125 Perimeter Center West

Caution: External Message

Dear Madalyn,

Thank you for your letter of September 16th 2025 advising of further submission for the change of usage application for the above site.

My wife and I live in the Manhattan Building Unit 2201. We have a bird's eye view from our 22nd floor condo of the site where Zaxby's is requesting permission for a drive through.

Unfortunately, we will be overseas on October 21st. We are therefore emailing our views and make the following comments on the application.

1) If the location is to have dine-in customers there are very few parking spaces available. Also, we see customers of Chipotle and other restaurants and stores overflow into the above vacant site. There is insufficient parking for Chipotle and the other adjoining stores in front of their units at busy periods. The opposite car park behind Hob Nob is also regularly full up at lunch and dinner periods and traffic meanders around looking for parking spots holding up through traffic . Since the first submission parking has gotten worse. We regularly see overflow parking from neighboring properties filling up this location, even though it is empty.

2) Cars coming off Perimeter Center West are already held up during busy periods exiting this main thoroughfare. The exit from Perimeter Center West is next to the above site. A drive through would cause even worse backups which would pose at best a delay of traffic at rush hours and at worse a danger due to stopped traffic.

3) There are already several fast food restaurants in the area. Macdonalds, Chick Fillet (two locations), Wendy's.

4) This type of restaurant would downgrade the image of the immediate area for select quality restaurants.

We therefore formally object to the proposal.

Kind regards,

Angeline and Philip Box

Paul Leonhardt

From: Richard McLeod
Sent: Friday, May 30, 2025 1:28 PM
To: Madalyn Smith; Paul Leonhardt
Subject: FW: Raising Cane's and Zaxby's Drive-Thru Applications

Madalyn,

Please let the planning commission see this.

Thanks,



Richard McLeod, MPA
 Director of Community Development

City of Dunwoody
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From: Nathan Sparks <nathan.c.sparks@gmail.com>
Sent: Friday, May 30, 2025 10:10 AM
To: annehicks <[REDACTED]>
Cc: Colin Mey <[REDACTED]>; Richard McLeod <Richard.McLeod@dunwoodyga.gov>
Subject: Re: Raising Cane's and Zaxby's Drive-Thru Applications

Caution: External Message

Excellent comments Anne!

Richard,
 Please add my voice to Anne's thoughtfully negative reactions to any proposals to develop more fast food restaurants with a double drive through.

Nathan

On Thu, May 29, 2025, 9:00 AM <[REDACTED]> wrote:

| Guys,

Here are my comments to City Council on the double drive throughs. I don't think they support either, but the applications are going through the process.

I will try to attend the Planning Commission meeting 6/10 at 6 pm. If anyone wants to join me, I'd really appreciate the support. You can also email comments to them at planningcommission@dunwoodyga.gov.

Anne

From: Rob Price <Rob.Price@dunwoodyga.gov>
Sent: Wednesday, May 28, 2025 5:44 PM
To: annehicks [REDACTED] >
Subject: Re: Raising Cane's and Zaxby's Drive Through Applications

Hi Anne,

Thanks for reaching out about the SLUP applications for Raising Canes and Zaxby's. Both were discussed at the May planning commission meeting. At that meeting the commission voted to defer a decision until their June meeting (June 10). You cc'd Richard McLeod on your comments. I'll ask him to share them with the planning commission in advance of their June meeting. The SLUP applications will not come before city council until after the planning commission votes on them.

Rob Price

Dunwoody City Council Member

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From [REDACTED]
Sent: Wednesday, May 28, 2025 4:21 PM

To: Lynn Deutsch <Lynn.Deutsch@dunwoodyga.gov>; Rob Price <Rob.Price@dunwoodyga.gov>; Joe Seconder <Joe.Seconder@dunwoodyga.gov>; John Heneghan <John.Heneghan@dunwoodyga.gov>; Stacey Harris <Stacey.Harris@dunwoodyga.gov>; Tom Lambert <Tom.Lambert@dunwoodyga.gov>; Catherine Lautenbacher <Catherine.Lautenbacher@dunwoodyga.gov>
Cc: Richard McLeod <Richard.McLeod@dunwoodyga.gov>
Subject: Raising Cane's and Zaxby's Drive Through Applications

Caution: External Message

Dear Mayor and City Councilors,

I'm very concerned about the applications for **DOUBLE drive-throughs (YIKES!)** for Raising Cane's and Zaxby's fast-food chains.

In general, drive throughs are contrary to the language in the adopted City's Sustainability Plan, the Transportation Plan and violate the spirit of its No-Idling Policy (which admittedly just applies to City vehicles). In short, drive throughs are contrary to the City's efforts to make Dunwoody a more welcoming community for pedestrians and cyclists. Surely we can do better in attracting healthier, more eco-friendly options for those sites.

The proposed location for the Raising Cane's is adjacent to McDonalds, just down from Perimeter Mall. This site is along the route of Phase 2 of the Ashford Dunwoody path project. Having a steady stream of vehicles crossing and blocking the new multi-use path is inherently unsafe and counterintuitive. Are we really committed to providing a safe pedestrian and cycling environment in Dunwoody? Don't we want to encourage office workers and guests from the Perimeter business district to **walk** safely to restaurants on Ashford Dunwoody?

The proposed location for Zaxby's within the Ashford Lane shopping center is next to a large open parking lot on the backside of Culinary Dropout/HobNob, etc. which provides overflow parking for those restaurants. The stream of traffic circling through this area will threaten the safety of folks trying to safely reach their vehicles and contradicts what the City is trying to achieve with a more walkable, welcoming community. Please don't create an unsafe pedestrian environment when we've just created the adjacent safe space of restaurants that encircle a nice greenspace closed off to traffic.

According to the US EPA, Greenhouse gas (GHG) emissions from transportation account for about 28% of total U.S. greenhouse gas emissions, making it the largest contributor of U.S. GHG emissions. It's well known that cars and especially idling cars contribute to air pollution.

Outdoor patios are proposed as concessions for the above projects, but who wants to eat outside while choking on auto fumes?

Lastly, I'll ask: have you ever tried walking near the double drive through Chick-Fil-A on Jett Ferry? It's not an easy or a pleasant experience. I always park and **walk** in to get my food, but just crossing the short little (well-marked) walkway into Chick-Fil-A is a hair-raising experience.

Thank you for considering these comments.

Anne Hicks



[Dunwoody](#)

Madalyn Smith

From: Phil Box <[REDACTED]>
Sent: Thursday, April 17, 2025 10:31 AM
To: Madalyn Smith
Subject: SLUP 25-02,125 Perimeter Center W

Caution: External Message

Dear Madalyn,

Thank you for your letter of March 28th advising of the change of usage application for the above site.

My wife and I live in the Manhattan Building Unit 2201. We have a bird's eye view from our 22nd floor condo of the site where Zaxby's is requesting permission for a drive through.

Unfortunately, we will be overseas on May 13th. We are therefore emailing our views and make the following comments on the application.

- 1) If the location is to have dine-in customers there are very few parking spaces available. Also, we see customers of Chipotle and other restaurants and stores overflow into the above vacant site. There is insufficient parking for Chipotle and the other adjoining stores in front of their units at busy periods. The opposite car park behind Hob Nob is also regularly full up at lunch and dinner periods and traffic meanders around looking for parking spots holding up through traffic .
- 2) Cars coming off Perimeter Center West are already held up during busy periods exiting this main thoroughfare. The exit from Perimeter Center West is next to the above site. A drive through would cause even worse backups which would pose at best a delay of traffic at rush hours and at worse a danger due to stopped traffic.
- 3) There are already several fast food restaurants in the area. Macdonalds, Chick Fillet (two locations), Wendy's.
- 4) This type of restaurant would downgrade the image of the immediate area for select quality restaurants.

We therefore formally object to the proposal.

Kind regards,

Angeline and Philip Box