

SPECIAL LAND USE PERMIT APPLICATION



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

*** Applicant Information:**

Company Name: Transwestern
 Contact Name: Henry Spain
 Address: 3340 Peachtree Road, Suite 1000, Atlanta, GA 30326
 Phone: (404) 842-6572 Fax: (404) 842-6573 Email: henry.spain@transwestern.com
 Pre-application conference date (required): _____

*** Owner Information:** Check here if same as applicant

Owner's Name: ~~Perimeter Mall, LLC~~ Perimeter Mall, LLC
 Owner's Address: 110 North Wacker Drive, Chicago, IL 60606
 Phone: _____ Fax: _____ Email: _____

*** Property Information:**

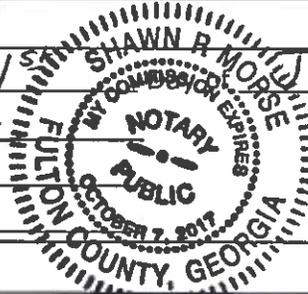
Property Address: a portion of 1134 Hammond Drive and 4400 Ashford Dunwoody Drive Parcel ID: 18 348 01 020 & 18 348 01 006
 Zoning Classification: C-1
 Requested Use of the Property: Office and Commercial - seeking height increase

*** Applicant Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.
 Applicant's Name: Transwestern
 Applicant's Signature: [Signature] Date: 6/23/2016 7/1/16

*** Notary:**

Sworn to and subscribed before me this 1st day of July, 2016
 Notary Public: Shawn R Morse
 Signature: Shawn R Morse
 My Commission Expires: 10/7/2017

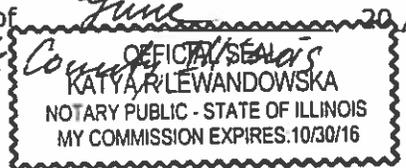


*** Owner Affidavit:**

I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.
 Property Owner's Name: Perimeter Mall, LLC
 Property Owner's Signature: By: [Signature] Date: 6-30-2016
Authorized Signatory

*** Notary:**

Sworn to and subscribed before me this 30th Day of June, 2016
 Notary Public: Katya R. Lewandowska, Cook County, Illinois
 Signature: [Signature]
 My Commission Expires: 10-30-2016



Tax Parcel List

The property includes portions of the following tax parcels:

- 18 348 01 006
- 18 348 01 020
- 18 348 01 030
- 18 348 01 012
- 18 348 01 028

SLUP REQUEST
Project Summary and Neighbor Communications Summary

This application requests a special land use permit to increase the allowable height in the C-1 district from 2 stories to 20 stories. The applicant proposes to redevelop a portion of the existing Perimeter Mall surface parking lot along Hammond Drive with a 20 story office building with ground floor commercial use. The development will utilize the existing MARTA parking deck on the east side of the MARTA station to accommodate a portion of the parking for the new building. MARTA will continue to utilize the parking deck on the western side of the station for their parking needs. The development will have an elevated pedestrian connection between the proposed office building, the existing MARTA deck and the station. The development also proposes a covered pedestrian connection at grade between the rear of the proposed office building and the existing Mall parking deck to provide a covered pedestrian connection between the office building and the Mall.

The 140 surface parking spaces for the Mall being displaced by the new office building will be accommodated in the existing MARTA deck with the balance of the 600 space deck being available for the use by the office building.

The development proposal incorporates the proposed Hammond Drive road widening and streetscape improvements into the project design. The proposal also incorporates the pending Perimeter Center Overlay provisions into the project design.

With regard to the required neighbor communications, the subject property is not within 500 feet of any residential zoning district. Included in the application is a copy of the zoning map as well as aerials that show the site location and the surrounding commercial and office development. Properties within 500 feet of the subject property are zoned C-1 and O-I conditional.

SLUP CRITERIA - DUNWOODY

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

The subject property is located in the Perimeter Center character area pursuant to the comprehensive plan adopted in 2015. This area is envisioned to be a “visitor friendly ‘livable’ regional center with first-class office, retail, entertainment, hotels and high-end restaurants in a pedestrian and bicycle oriented environment.” Within the Perimeter Center character area, the subject property is located in the PC-1 district, which is proposed for the highest intensity of buildings, high level of employment uses and active ground story uses and design that support pedestrian mobility. Action items within this character area include “reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station.” The proposal to develop a maximum 20 story office building with ground floor commercial use to replace an existing, underutilized surface parking lot and repurpose an existing underutilized MARTA parking deck is consistent with the stated policies of the comprehensive plan.

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

The proposed office and commercial uses are permitted under the existing C-1 zoning category. This special land use permit request is to increase the allowable height of the improvements on the subject property. The zoning ordinance is currently proposed for amendment to create a new zoning PC-1 zoning district category that would allow a maximum height of 30 stories on the subject property and properties in the immediate area. This proposed change to the zoning ordinance further evidences the appropriateness of additional height on the subject property.

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;

The proposal to increase the allowable height enables the applicant to develop the site while still meeting the lot coverage requirements and off street parking. Setback variances have been requested to accommodate the subdivision of the property from the balance of the Perimeter Mall property and to accommodate the proposed road widening and improvement of Hammond Drive. The proposed Perimeter Center Overlay is contemplated to provide a streetscape requirement in lieu of the required front yard setback, which the applicant is providing in accordance with the recommendations of the City of Dunwoody and the proposed plans.

encourage transit ridership to help mitigate the transportation impact. The applicant is performing a traffic study to submit to document the traffic impact of this project and the traffic study will be provided prior to public hearings.

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

The adjacent property is developed with Perimeter Mall, a Chick-fil-A and the MARTA station, all of which are low rise commercial and transportation uses. Notwithstanding the foregoing, the State Farm office headquarters being located diagonally from the property is under development and is significantly taller than the proposed 20 story building. In addition, the property across Hammond Drive is proposed for a 25 story mixed use building with office, hotel and retail uses. High rise office buildings are located east, west and north of the site. The proposal is appropriate in relation to the scale and massing of adjacent and nearby properties.

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

The property is currently utilized as a surface parking lot. No historic buildings, sites, districts or archaeological resources are impacted.

e. Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use;

The development has the appropriate public services, facilities and utilities currently available to it. Further, the proximity of the site to the Dunwoody MARTA station makes it uniquely situated for the increase in height proposed.

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 control and emergency vehicle access;

The project will utilize the existing Mall driveways to access the site from Hammond Drive. One of the driveways is a signalized intersection. Streetscape improvements on Hammond Drive and internal to the site consistent with the proposed Perimeter Center Overlay and the proposed Hammond Drive improvement project will be implemented as a part of the development to improve the pedestrian experience. An elevated pedestrian walkway will be added to connect the office building directly to the existing MARTA parking deck and the MARTA station to enhance the pedestrian connection to MARTA. The means of ingress and egress to the site are adequate to serve the project.

d. **Whether the proposed use is compatible with adjacent properties and land uses, including consideration of factors 1-6 below:**

The property is adjacent to Perimeter Mall, the Dunwoody MARTA station, a Chick-fil-A outparcel at Perimeter Mall and across the street from a big box retail shopping center. The new State Farm office headquarters is being developed diagonally across Hammond Drive from the property. Nearby uses consist of a variety of office and commercial uses, with several office high rise office buildings in the general vicinity of the property. The proposal to develop a high rise office building with ground floor commercial use is complementary to the uses in the area.

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

This application requests an increase in height for uses that are already allowed under the zoning district. No adverse impact on adjoining land due to noise, smoke, odor, dust or vibration will occur if this application is approved.

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

The increase in height allowed will not impact the hours of operation of the tenants in the proposed office and commercial building. The height does not impact the hours of operation.

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

An increase in height will not create an adverse impact on adjoining land by reason of the manner of operation of the proposed office and commercial building. The height does not impact the manner of operation.

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

The proposed increase in height will not change the character of the vehicles accessing the site but it will increase the traffic generated from the property. Notwithstanding the foregoing, the applicant does not anticipate the impact to be overly burdensome. From a transportation perspective, the adjacency to the MARTA station, the proximity to the I-285 interchange and the distance from single family neighborhoods make the site the logical location for increased height and high intensity use. The proximity to the MARTA station and the proposed pedestrian connection from the project to the MARTA station will

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

Refuse will be addressed internally within the building in a loading and service area.

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

The immediate area includes high rise office buildings, including the State Farm office headquarters under construction and other high rise developments approved and existing. Perimeter Mall and MARTA consist of the the majority of the adjoining property and both parties are involved in the project. Perimeter Mall currently owns the property proposed for development and MARTA is releasing its interest under a lease for the existing MARTA parking deck to facilitate the development. The proposed height will not create a negative shadow impact on any adjoining lot or building, particularly considering the commercial nature of development in the area and the height of other office buildings in the immediate vicinity.

PROPERTY DESCRIPTION
Nexus Perimeter Project- Transwestern Site

Being all that tract or parcel of land lying and being in Land Lot 348 of the 18th District, City of Dunwoody, Dekalb County, Georgia and being more particularly described as follows:

Commencing at the point of intersection of the easterly right-of-way line of Perimeter Center Parkway (having a variable width right-of-way) and the northerly right-of-way line of Hammond Drive (having a variable width right-of-way); thence, leaving the aforesaid right-of-way line of Perimeter Center Parkway and running with the said right-of-way line of Hammond Drive South 40° 23' 32" East, 12.81 feet; thence, North 47° 54' 09" East, 15.61 feet to a concrete monument found; thence, South 40° 26' 52" East, 12.96 feet; thence, South 43° 16' 03" West, 14.14 feet; thence, South 42° 28' 39" East, 33.02 feet; thence, South 67° 05' 52" East, 16.35 feet; thence, North 82° 49' 09" East, 30.20 feet; thence, North 89° 28' 25" East, 190.00 feet; thence, South 00° 31' 35" East, 5.89 feet; thence, North 89° 00' 40" East, 96.11 feet to a PK Nail Found and the POINT OF BEGINNING.

Thence, from said POINT OF BEGINNING as thus established and leaving the aforesaid right-of-way line of Hammond Drive and running with property now or formerly owned by Metropolitan Atlanta Rapid Transit Authority per Deed Book 8898, Page 643 as recorded among the Land Records of Dekalb County, Georgia

1. North 06° 53' 43" West, 309.97 feet to a point; thence,
2. North 06° 53' 44" West, 14.22 feet to a point; thence,
3. North 33° 49' 24" West, 16.14 feet to a point; thence,
4. North 06° 53' 35" West, 17.00 feet to a point; thence,
5. North 42° 47' 39" East, 9.61 feet to a point; thence,
6. North 06° 53' 35" West, 297.91 feet to a point; thence, leaving the aforesaid property of Metropolitan Atlanta Transit Authority
7. 10.72 feet along the arc of a curve deflecting to the right, having a radius of 18.59 feet and a chord bearing and distance of North 48° 18' 20" East, 10.57 feet to a point; thence,
8. North 64° 49' 30" East, 4.58 feet to a point; thence,
9. South 25° 10' 33" East, 84.49 feet to a point; thence,
10. 81.24 feet along the arc of a curve deflecting to the left, having a radius of 504.00 feet and a chord bearing and distance of South 29° 47' 38" East, 81.15 feet to a point; thence,
11. South 34° 24' 42" East, 48.70 feet to a point; thence,
12. 191.00 feet along the arc of a curve deflecting to the right, having a radius of 394.00 feet and a chord bearing and distance of South 26° 25' 56" East, 189.14 feet to a point; thence,
13. 84.50 feet along the arc of a curve deflecting to the right, having a radius of 470.88 feet and a chord bearing and distance of South 08° 33' 02" East, 84.39 feet to a point; thence,
14. North 89° 57' 29" East, 115.29 feet to a point; thence,
15. South 26° 52' 41" East, 15.72 feet to a point; thence,
16. North 89° 57' 29" East, 26.03 feet to a point; thence,
17. North 63° 18' 46" East, 260.79 feet to a point; thence,
18. South 25° 48' 44" East, 7.13 feet to a point; thence,
19. 13.27 feet along the arc of a curve deflecting to the right, having a radius of 60.28 feet and a chord bearing and distance of South 06° 50' 50" East, 13.25 feet to a point; thence,
20. South 00° 03' 37" West, 129.35 feet to a point; thence,
21. South 03° 34' 32" East, 74.38 feet to a point; thence,
22. South 00° 59' 04" East, 54.11 feet to a point; thence,
23. South 00° 39' 20" East, 43.35 feet to a point; thence,

24. 12.32 feet along the arc of a curve deflecting to the right, having a radius of 29.59 feet and a chord bearing and distance of South 16° 39' 31" West, 12.23 feet to a point on the aforesaid right-of-way line of Hammond Drive; thence, running with the said right-of-way line of Hammond Drive
25. South 89° 21' 16" West, 386.43 feet to a point; thence,
26. North 00° 36' 11" West, 8.70 feet to a point; thence,
27. North 89° 41' 31" West, 135.44 feet to the POINT OF BEGINNING, containing 179,006 square feet or 4.1094 acres of land, more or less.

Described property is subject to all rights-of-way (public and private) and easements, both recorded and unrecorded.