



**MEMORANDUM**

**To:** Mayor and City Council

**From:** Steve Foote, AICP

**Date:** August 10, 2015

**Subject** **4549 Chamblee Dunwoody Road (Jewish Family and Career Services):**  
 Appeal of Administrative Decision related to Chapter 16, Article IV and the requirement to install streetscape improvements along Chamblee Dunwoody Road

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**ITEM DESCRIPTION**

The existing Jewish Family and Career Services (JFCS) facility on Chamblee Dunwoody Road has submitted documentation to the City communicating the intent to add additional development to the property for the expansion of services offered on site. During the review process, staff identified, pursuant to the terms of §16-217, the land owners are required to install 2 foot curb and gutter, 12 foot multi-use path, and associated pedestrian and landscaping improvements in order to facilitate site infrastructure improvements. The applicant has submitted an appeal of staff’s determination that public improvements are required. Using the GDOT item means summary, staff has calculated the required fee to be \$95,000.

**BACKGROUND**

Section 16-217 outlines under what scenarios of development the Design and Improvement Standards in the code apply. The existing building comprises 32,157 square feet, and the applicant proposes additions of 8,833 square feet, accounting for an increase in existing floor area of more than 25 percent. The proposed development exceeds at least one of the thresholds established in Section 16-217, excerpted below:

- (4)New buildings or building additions that result in an increase in existing building floor area on the subject property by more than ten percent, based on the total floor area added over the previous 12-month period; or

The threshold for existing improvements may also trigger the requirement, but it has not been calculated since the applicability has already been established; only one of the thresholds has to be met to trigger the requirement.

As a function of the conceptual review conducted by City staff, the applicant was notified of the requirement to provide streetscape improvements. Section 16-219 establishes the requirement for the Community Development Director to consult with other affected departments to determine the deficiencies of the roadway. The proposed construction of the Georgetown Gateway project establishes a 2 foot curb and gutter, 12 foot multi-use path, and associated pedestrian and landscaping improvements along the Chamblee Dunwoody Road frontage. Since the construction is imminent, staff has requested a fee in lieu of actual construction of the improvements pursuant to Section 16-221 for “pending



projects programmed within the corridor that may impact the street frontage of the subject property.”

Code section 16-222 and 16-33 by reference, which empowers the Mayor and City Council to hear appeals of administrative decisions based on these development requirements, reads, in part:

(h) *Review and approval criteria.* An appeal shall be sustained only upon a finding by the [Mayor and City Council] that the administrative official's action was based on an erroneous finding of a material fact or that the administrative official acted in an arbitrary manner.

The applicant’s appeal disputes the calculation of the fee in lieu based on the city’s proposed project and provides an alternative estimate of \$59,000 based on the improvements required by code section 16-237 (j). The applicant further requests a reduction of the fee to \$30,000.

#### **RECOMMENDATION**

Staff recommends that the decision to require payment of a fee in lieu be **upheld**. Both the \$59,000 and \$95,000 estimates could be reconciled with the city’s code requirements but the \$30,000 request does not appear to meet the appeal criteria outlined in the code.



June 24, 2015

Mr. Steve Foote  
City of Dunwoody  
Community Development Director  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346

**Re: Appeal pursuant to City Ordinance Section 16-222  
Jewish Family & Career Services  
4549 Chamblee Dunwoody Road  
Dunwoody, GA 30338**

Dear Mr. Foote,

It was a pleasure to meet with you and your team on June 2, 2015 to discuss our project to complete our campus on Chamblee Dunwoody Road. As we discussed, Jewish Family & Career Services (JF&CS) is a 501(c)(3) organization dedicated to supporting and enhancing the well-being of individuals and families across all ages, faiths, cultures and lifestyles through over 40 programs focused on health, career and human services. JF&CS has been operating in Dunwoody since the mid 1990's. We employ approximately 250 individuals and provide services to more than 18,000 individuals in the community annually. As a non-profit, we are funded through Federal, State and local grants, private foundations, Medicaid, third party reimbursements, and individual contributions.

We are currently in the midst of a \$5,100,000 capital campaign to complete our Dunwoody campus. This project will allow us to provide comprehensive, integrated services, as well as holistic care and support, at one physical location. Our project consists of three components: 1) building a new 8,000 square foot facility to house our Tools for Independence Works program, a pre-vocational and vocational program for adults with developmental disabilities (currently located in Doraville), 2) renovating 8,000 square feet of existing space to create a dedicated space for our psycho-social counseling program which will provide a more cohesive and confidential space for these services, and 3) creating a new reception and gathering area to tie these new spaces together. We are including drawings of the proposed new design as well as a site survey for your reference.

I am writing you in accordance with Section 16-222 of the City ordinance to appeal the decision conveyed in Michael Smith's email of June 3, 2015 to the members of our team that met with you on June 2, 2015. After reviewing the email and the City ordinances, it appears that there are two criteria upon which we might base an appeal to request relief from the decision that we contribute \$95,000 to the City for public right-of-way improvements. The two criteria are, as follows:

- 1) Section 16-217 notes that new buildings or building additions that result in an increase in existing building floor area on the subject property by more than ten percent, based on the total floor area added over the previous 12 month period, must construct or otherwise provide for public right of way improvements as set forth in the article. Section 16-220 provides that at the discretion of the community development director, a deferral and/or fee in lieu of improvements may be granted.
- 2) Section 16-237(j)(5)(b) provides that road improvements may be waived or modified if existing use of the property is not to be substantially changed. While our project does increase our existing square footage by more than ten percent, we believe that our project will not substantially change the use of our property. The ingress and egress to our property will not be altered and there will be minimal change in traffic. As you will recall, in a meeting you and Rebecca Keefer had with our Architect and Civil Engineer on March 11<sup>th</sup>, it was determined that due to the use of this building and the nature of the clientele being non-drivers, the required number of parking spaces for our property after the project is complete would still be less than the parking we currently have available, further supporting a case that the property could be considered "not substantially changed".

The first basis for our appeal is that you consider waiving the requirement for our contribution to any right-of-way improvements on the basis of Section 16-237(j)(5)(b), given that as discussed above, our project will not alter our property in any substantial way.

In our discussions with your team on June 2<sup>nd</sup>, it was determined that, if public right-of-way requirements are required for our project, a fee in lieu of improvements would be the preferred arrangement. All parties agreed that any improvements made along Chamblee Dunwoody Road at this time would need to be removed at a later date in the event that the Gateway Project design becomes ordinance. In his email of June 3, 2015, Michael Smith notified that the City's estimated cost for the proposed Gateway Project design would be \$95,000. This design includes curb and gutter, a 12-foot wide multi-use path to accommodate cyclists and pedestrians, trees, benches, trash cans, and lighting.

Section 16-237(i), the City ordinance that is currently in effect, requires a 5-foot sidewalk along Chamblee Dunwoody Road along with a 4-foot bike lane with a border of 2-foot wide curb and gutter. An estimate provided by the Macallan Group, our General Contractor, for compliance with the current ordinance, is at approximately \$59,000. A copy of their estimate is attached.

The second basis for this appeal is that, if in the event that our request for a waiver is not granted, that any assessment for right-of-way improvements be based upon the current ordinance rather than a projected design that may become ordinance in the future. We raise the question of the appropriateness of the City assessing our project based upon a design that has not been incorporated into ordinance.

As part of this second basis for appeal, we also respectfully request that you and City Council allow our agency to pay a discounted amount of \$30,000, in the event the aforementioned appeal for a waiver is also not granted. We request this regardless of whether City Council determines that a fee assessment should be based upon either the proposed Gateway Project design or the current ordinance in effect. We ask that you consider that we are a non-profit agency that is undertaking a significant capital campaign in order to provide enhanced services in health, career, and human services to both the Dunwoody community and the greater Atlanta area. We are asking that you consider this reduced payment to allow us to put as much as possible of the funds raised into the capital improvements in our facility.

We greatly appreciate our relationship with the City of Dunwoody and your support for our project. We believe that we are a strong asset for the community providing critical services to improve the quality of life for many of Dunwoody's residents through our counseling, careers, older adult, and developmental disabilities programs and we look forward to our continued partnership.

Given timing and scheduling realities, we respectfully request that we be placed on the August docket.

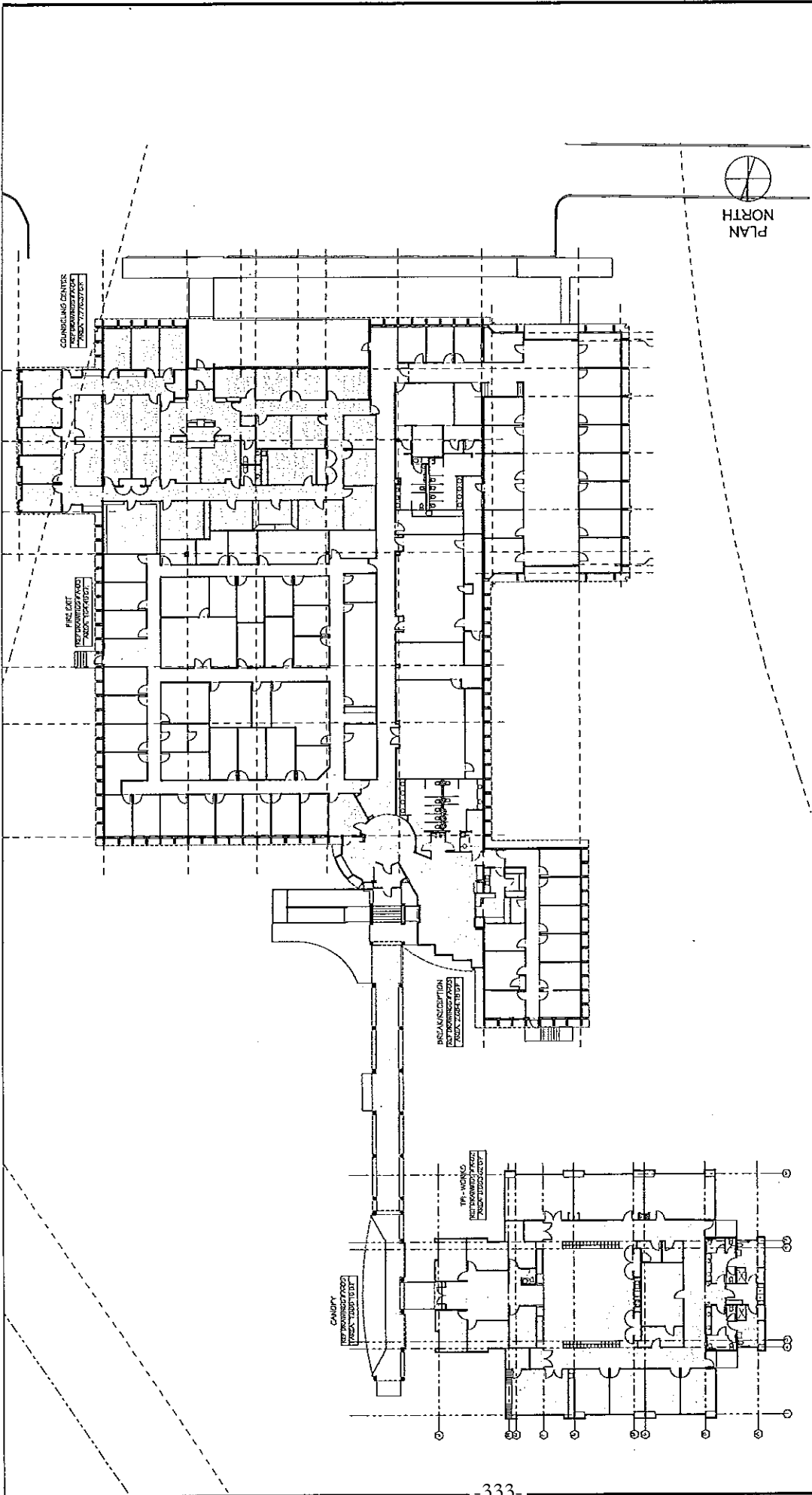
If you have any questions or need any additional information, please feel free to contact me at 770.677.9307 or at [raranson@jfcs-atlanta.org](mailto:raranson@jfcs-atlanta.org).

Warmly,



Rick Aranson  
Chief Operating Officer, Incoming Chief Executive Officer  
Jewish Family & Career Services





MASTER PLAN  
1/8" = 1'-0"

**A-01**  
PROJECT NO: 2013.03  
DATE: 6/1/13

**RENOVATION & EXPANSION  
TO THE CAMPUS OF  
JEWISH FAMILY & CAREER SERVICES**  
4549 CHAMBLEE DUNWOODY ROAD • DUNWOODY • GEORGIA • 30338

Jewish Family & Career Services  
**JF&CS**  
Your Tools for Living

**TED H. TAYLOR ARCHITECT**  
4015 PEACHTREE ROAD • ATLANTA, GEORGIA 30341 • TELEPHONE 404.267.7777 • EMAIL TH.TAYLOR@TAYLORH.COM

**CONSULTANTS**

**SDG Engineering**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**J&A**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**COLLINS**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**DEBBIE DERBY**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**OTIUS STONIC**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**J&A**  
1000 Peachtree Street, N.E. Atlanta, GA 30309

**COLLINS**  
1000 Peachtree Street, N.E. Atlanta, GA 30309







PROPOSAL

DATE: 06-18-15  
 PROJECT: JF & CS Expansion & Renovations  
 TO: Debi McNeil  
 RE: Gateway Project @ Chamblee-Dunwoody Rd.

<b>Bike Lane &amp; Sidewalk at Chamblee-Dunwoody RoW</b>				
Scope of work	Qty	U of M	Unit Cost	Ext Cost
Grading	1.0	ls	3,000.00	3,000
Export excess spoils	205	cy	10.00	2,050
Silt Fence & silt dam	1	ls	4,000.00	4,000
Saw Cut existing asphalt along RoW	650	lf	3.00	1,950
Demo & dispose of asphalt	144	sy	9.00	1,296
New HD 8" asphalt - approx. 4' wide to include bike lane and shoulder	280	sy	50.00	14,000
24" curb / gutter**	635	lf	26.00	16,510
5' wide sidewalk	336	sy	35.00	11,760
Backfill curb & walks	1	ls	1,500.00	1,500
Perm Grassing, seed	4,840	sf	0.30	1,452
Striping	640	lf	2.00	1,280
*No Tree removal, fill or storm drainage grading		excluded		
**No storm drainage, inlets, MH, etc.		excluded		
<b>Sub-Total</b>				<b>58,798</b>



July 30, 2015

Mr. Steve Foote  
City of Dunwoody  
Community Development Director  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346

**Re: Appeal pursuant to City Ordinance Section 16-222  
Jewish Family & Career Services  
4549 Chamblee Dunwoody Road  
Dunwoody, GA 30338**

Dear Mr. Foote,

It was a pleasure to meet with you and your team on June 2, 2015 to discuss our project to complete our campus on Chamblee Dunwoody Road. As we discussed, Jewish Family & Career Services (JF&CS) is a 501(c)(3) organization dedicated to supporting and enhancing the well-being of individuals and families across all ages, faiths, cultures and lifestyles through over 40 programs focused on health, career and human services. JF&CS has been operating in Dunwoody since the mid 1990's. We employ approximately 250 individuals and provide services to more than 18,000 individuals in the community annually. As a non-profit, we are funded through Federal, State and local grants, private foundations, Medicaid, third party reimbursements, and individual contributions.

We are currently in the midst of a \$5,100,000 capital campaign to complete our Dunwoody campus. This project will allow us to provide comprehensive, integrated services, as well as holistic care and support, at one physical location. Our project consists of three components: 1) building a new 8,000 square foot facility to house our Tools for Independence Works program, a pre-vocational and vocational program for adults with developmental disabilities (currently located in Doraville), 2) renovating 8,000 square feet of existing space to create a dedicated space for our psycho-social counseling program which will provide a more cohesive and confidential space for these services, and 3) creating a new reception and gathering area to tie these new spaces together. We are including drawings of the proposed new design as well as a site survey for your reference.

I am writing you in accordance with Section 16-222 of the City ordinance to appeal the decision conveyed in Michael Smith's email of June 3, 2015 to the members of our team that met with you on June 2, 2015. This appeal is a request for interpretation of Section 16-217 of the Land Development Ordinance which states that new buildings or building additions that result in an increase in existing building floor area on the subject property by more than ten percent, based on the total floor area added over the previous 12 month period, must construct or otherwise provide for public right of way improvements as set forth in the article. Section 16-220 provides that at the discretion of the community development director, a deferral and/or fee in lieu of improvements may be granted.

JF&CS is a proud partner of the Jewish Federation of Greater Atlanta and the United Way of Greater Atlanta. Accredited by the Commission on Accreditation of Rehabilitation Facilities.

Jewish Family & Career Services | The Max M. Cuba Social Service Center | 4549 Chamblee Dunwoody Road | Atlanta, Georgia 30338  
P. 770.677.9300 | F. 770.677.9400 | www.YourToolsForLiving.org | info@jfcs-atlanta.org

In our discussions with your team on June 2<sup>nd</sup>, it was determined that, if public right-of-way requirements are required for our project, a fee in lieu of improvements would be the preferred arrangement. All parties agreed that any improvements made along Chamblee Dunwoody Road at this time would need to be removed at a later date in the event that the Gateway Project design becomes ordinance. In his email of June 3, 2015, Michael Smith notified that the City's estimated cost for the proposed Gateway Project design would be \$95,000. This design includes curb and gutter, a 12-foot wide multi-use path to accommodate cyclists and pedestrians, trees, benches, trash cans, and lighting.

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As part of this appeal, we are requesting that any assessment for right-of-way improvements be based upon the current ordinance rather than a projected design that may become ordinance in the future. We raise the question of the appropriateness of the City assessing our project based upon a design that has not been incorporated into ordinance.

We also respectfully request that you and City Council allow our agency to pay a discounted amount of \$30,000. We request this regardless of whether City Council determines that a fee assessment should be based upon either the proposed Gateway Project design or the current ordinance in effect. We ask that you consider that we are a non-profit agency that is undertaking a significant capital campaign in order to provide enhanced services in health, career, and human services to both the Dunwoody community and the greater Atlanta area. We are asking that you consider this reduced payment to allow us to put as much as possible of the funds raised into the capital improvements in our facility.

With this letter, we would like to request that our appeal be added to the Agenda for the August 10th City Council meeting.

We greatly appreciate our relationship with the City of Dunwoody and your support for our project. We believe that we are a strong asset for the community providing critical services for many of Dunwoody's residents through our counseling, careers, older adult, and developmental disabilities programs and we look forward to our continued partnership.

If you have any questions or need any additional information, please feel free to contact me at 770.677.9307 or at [raranson@jfcs-atlanta.org](mailto:raranson@jfcs-atlanta.org).

Warmly,



Rick Aranson  
Chief Executive Officer  
Jewish Family & Career Services

# ADMINISTRATIVE APPEAL APPLICATION



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

Project #: \_\_\_\_\_ Date Received: \_\_\_\_\_

**\* Project:**

Name of Project / Subdivision:	Zoning:
Property Address / Location: <u>4549 Chamblee Dunwoody Rd</u>	<u>30338</u>
District: _____ Land Lot: _____ Block: _____	Property ID: _____

**\* Owner Information:**

Owner's Name: <u>Jewish Family &amp; Career Services</u>
Owner's Address: <u>4549 Chamblee Dunwoody Rd</u> <u>30338</u>
Phone: _____ Fax: _____ Email: _____

**\* Applicant Information:**  Check here if same as Property Owner

Contact Name: <u>Rick Aranson</u>
Address: _____
Phone: <u>770.677.9307</u> Fax: <u>770.677.9403</u> Email: <u>raranson@jfcs-atlanta.org</u>

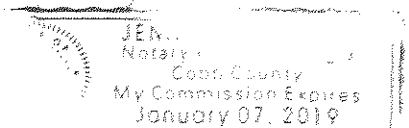
**\* Terms & Conditions:**

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 Ordinances. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Ordinances) will result in the rejection of this application.

Applicant's Name: <u>Rick Aranson</u>
Applicant's Signature: _____ Date: <u>7/30/15</u>

**\* Notary:**

Sworn to and subscribed before me this <u>30</u> Day of <u>July</u> , 20 <u>15</u>
Notary Public: <u>Jennifer C Miller</u>
Signature: <u>Jennifer C Miller</u>
My Commission Expires: <u>1-7-19</u>



**\* Office Use:**

Application Fee: <input type="checkbox"/> \$250 for Single-Family <input type="checkbox"/> \$350 for Commercial (sign fee not required) Fee: \$ _____
Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC Date: _____
<input type="checkbox"/> Admin. Decision Confirmed <input type="checkbox"/> Admin. Decision Reversed Date: _____

# Petitioner(s) Notarized Certification



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

The petitioner acknowledges that this application form is correct and complete. By completing this form, all petitioners certify authorization of the filing of the application for administrative appeal(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

**\* Applicant/Petitioner (If Applicable):**

Name: \_\_\_\_\_

Signature: [Handwritten Signature] Date: 7/30/15

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Sworn to and subscribed before me this 30<sup>th</sup> Day of July, 2015

Notary Public: Jennifer C. Miller

JENNIFER C. MILLER  
Notary Public, Georgia  
Cook County  
My Commission Expires  
January 07, 2019

**\* Applicant/Petitioner (If Applicable):**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

Notary Public: \_\_\_\_\_

**\* Applicant/Petitioner (If Applicable):**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

Notary Public: \_\_\_\_\_

<b>Jewish Family &amp; Career Services</b>		To: CITY OF DUNWOODY	Check Date: 7/30/2015		
		Vendor ID: CITY OF DUNWOODY	Check Number: 129808		
		Contact:			
Invoice Number	Date	Description	Amount	Discount	Net Amount
7302015	7/30/2015	APPLICATION FEE / ADMIN APPEA	\$350.00	\$0.00	\$350.00
		Totals:	\$350.00	\$0.00	\$350.00

<b>Jewish Family &amp; Career Services</b>		To: CITY OF DUNWOODY	Check Date: 7/30/2015		
		Vendor ID: CITY OF DUNWOODY	Check Number: 129808		
		Contact:			
Invoice Number	Date	Description	Amount	Discount	Net Amount
7302015	7/30/2015	APPLICATION FEE / ADMIN APPEA	\$350.00	\$0.00	\$350.00
		Totals:	\$350.00	\$0.00	\$350.00

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER AND HEAT SENSITIVE ICON

**Jewish Family & Career Services**  
 4549 Chamblee Dunwoody Rd  
 Atlanta, GA 30338-6210

WACHOVIA BANK, N.A.  
 ATLANTA, GA 30383

061000227

CHECK DATE	CHECK NO.
7/30/2015	129808
CHECK AMOUNT	

PAY **\*\*Three hundred fifty and 00/100 Dollars\*\***

**\*\* 350.00**

TO THE ORDER OF  
 CITY OF DUNWOODY  
 41 PERIMETER CENTER EAST  
 DUNWOODY, GA 30346

*[Signature]*  
 VOID AFTER 180 DAYS  
 TWO SIGNATURES OVER \$1,000.00

AUTHORIZED SIGNATURE

Details on Back Security Features Included