

## MEMORANDUM

**To:** Mayor and City Council

**From:** John Olson, AICP

**Date:** August 22, 2016

**Subject:** **RZ 16-081:**

JK Family Trust, owner of 1660 Mount Vernon Road, Dunwoody, GA 30338, by Dennis J. Webb Jr., attorney for owner, seeks permission to rezone property currently zoned O-I (Office-Institution) District to CR-1 (Commercial-Residential Mixed-Use) District to renovate the existing building into a small scale shopping center with retail, restaurant, and/or office use.



## **BACKGROUND**

The subject site consists of one lot of record, owned in common totaling .82 acres. The property consists of a corner lot, which fronts the northwest side of Mount Vernon Road and Dunwoody Village Parkway. The site is currently improved with a two-story, 3,900 square foot building formerly occupied as a bank. According to the official City of Dunwoody Zoning Map, the lot is zoned O-I (Office), and lies within the Dunwoody Village Overlay ("DVO"). The area around the site consists of a balance of retail, shopping, banks,



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restaurants and office uses. The character of the area generally consists of one to two-story buildings, consisting of pre-colonial "Williamsburg" style architecture.

In an effort to renovate the existing building into a small scale shopping center with retail, restaurant, and/or office use, the property owner proposes to rezone the property from O-I (Office) District to CR-1 (Commercial Residential Mixed Use) District. In reviewing the City of Dunwoody Zoning Ordinance, the current O-I zoning district does not permit retail or restaurant uses. Review of the site plan indicates that the overall size and footprint of the existing building will not change with the request. It is important to make note that the subject rezoning request has been submitted with companion special land use permit case: SLUP 16-081, which seeks to alter the requirements of Section 27-97(i)(1) within the DVO to allow for reduction in sidewalk width from 12 feet to 6 feet, Section 27-97(g)(2) to allow the existing front yard parking lot to remain as is, and Section 27-97(i)(3) to allow the pedestrian buffer zone along the abutting sides and rear of the building to remain as is. It shall also be noted that the applicant held an applicant initiated neighborhood meeting regarding the rezoning and SLUP requests on June 6, 2016 and has met all regulations for this meeting as required by ordinance. According to the applicant initiated meeting summary, the application was well received by neighbors and no real concerns were raised.

## **SURROUNDING LAND ANALYSIS**

Direction	Zoning	Future Land Use	Current Land Use
N	O-I	Mixed Use	Institutional (Post Office)
S	O-I and C-1	Commercial	Office
E	O-I	Commercial	Commercial/Office (Bank)
W	O-I and C-1	Mixed Use	Commercial/Office (Bank)

## **ANALYSIS**

### **Zoning Ordinance Analysis**

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

- a.) To provide convenient local retail shopping and service areas within a mixed-use (commercial-residential) setting;
- b.) To provide for the development of new commercial-residential mixed-use districts; and
- c.) To promote development patterns that accommodate residential, employment and entertainment within a walkable, mixed-use environment.



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### **Dunwoody 2015-2035 Comprehensive Plan Analysis**

The Dunwoody Comprehensive 2015-2035 Plan ("Plan"), inclusive of the Future Land Use Map and Character Area Map, serves as the City's guide for making rezoning decisions. The Plan indicates that the subject property is located in the Dunwoody Village Character Area, which lists mixed use as an appropriate land use. The Community Vision for this Character Area calls for "focused pedestrian and bicycle amenities, functional open space, a multi-modal transportation environment, architectural controls and place making." The Future Land Use Map works in concert with Character Area map, providing guidance on specific future land uses that would be in keeping with the community vision. Similar to the Character Area Map, it designates the future land use of the site as "mixed use".

As a representation of the City's future development policy, the mixed use district is intended to provide a mixture of uses on the same parcel, vertical (same building), or horizontal (different buildings). The Future Land Use Table identifies the zoning categories of OCR, PD, and CR-1 as "mixed use" supported districts. The applicant is requesting to rezone the parcel from O-I (Office) District to CR-1 (Commercial Residential Mixed Use) District to allow a small scale shopping center with retail, restaurant, and/or office use. Overall, the requested use aligns with the Dunwoody Village Character Area and Future Land Use Map, which advances the vision and goals of the Plan.

### **Dunwoody Village Master Plan Analysis**

The Dunwoody Village Master Plan ("DMVP") supplements the Comprehensive Plan in a manner that provides a more detailed vision for the future development policy of the Village; it divides the Village into two sub-areas: the Village Core area; and Village Transition areas. According to the Future Character Map of the DMVP, the parcel is located in the Village Core Area, which is roughly bounded by Mount Vernon Road, Chamblee Dunwoody Road, and Dunwoody Village Parkway. The primary focus of the Village Core is to:

- Create a central community gathering space within the Village;
- Encourage high-quality redevelopment of underutilized areas, primarily the east, "back" side of the Dunwoody Village Shopping Center and underutilized surface parking areas;
- Foster greater connectivity and accessibility by creating an internal street grid within the superblock;
- Create a more walkable, vibrant Village Center with area appropriate goods and services; and
- Provide an opportunity for a modest number of high-end residential units to foster greater livability, activity during evening and weekend hours, and security (more "eyes on the street")

For added clarity, the Land Use Framework Plan outlines key strategies and recommendations for various districts within the Village by dividing them area into five land use categories:

- 1.) Neighborhood & Convenience Retail;
- 2.) Small-Scale Office;
- 3.) Civic/Institutional;
- 4.) For-Sale Residential; and
- 5.) Village Center Mixed-Use.



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The subject parcel is categorized as Village Center Mixed Use District. According to the Land Use Framework Plan, the Village Center Mixed Use District is characterized as the following:

- Existing Village commercial;
- Preservation of Cheek-Spruill Farmhouse;
- Preservation of Fresh Market and Walgreens;
- Significant opportunity for redevelopment (multiple sites);
  - New "town green" (1.5-2.0 acres)
  - New internal street grid
  - "Walkable" storefront character
  - Potential new storefront retail / office
  - Potential for-sale loft housing over ground-floor commercial (40-80 units) - Age-targeted housing (empty nesters)
  - Large units (greater than 2,000 sq. ft.)
  - Generally for-sale product - Primarily 2-3 story development
  - High-quality design / materials (compatible with Village aesthetic)

Finally, the Circulation Framework plan identifies an initiative to construct a 12 to 15-foot wide multi-use pedestrian path along Dunwoody Village Parkway. Streetscape improvement initiatives also emphasize decorative lighting, street trees, landscaping, and on-street bike routes.

In reviewing the requested project, the proposed rezoning would complement the Village Center Mixed Use District by bringing in new storefront uses, high-quality design, and materials compatible with the Village aesthetic. Portions of both the Comprehensive Plan related to the Dunwoody Village Character Area and its addendum, the Dunwoody Village Master Plan, are attached for consideration.

## REVIEW AND APPROVAL CRITERIA

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

### Section 27-335. Review and approval criteria.

b. *Zoning Map Amendments.* The following review and approval criteria must be used in reviewing and taking action on all zoning map amendments:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;  
***The zoning proposal is in conformity with the intent of the Comprehensive Plan and Dunwoody Village Master Plan. As previously noted, the applicant is requesting to rezone the parcel from O-1 (Office) District to CR-1 (Commercial Residential Mixed Use) District to allow a small scale shopping center with retail, restaurant, and/or office use. Based on the aforementioned analysis, the requested use aligns with the Dunwoody Village Character Area and Future Land Use Map, which advances the vision and goals of the Plan.***
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;



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***The proposed mixed use shopping center is suitable, in light of the existing mix of retail, restaurant, and office uses in the area.***

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

***The property does have an economic use as currently zoned as O-I office. The request for rezoning to CR-1 (commercial residential mixed use) district, however, is intended to align with the future land use policies of the Dunwoody 2015-2025 Comprehensive Plan and the Dunwoody Village Master Plan.***

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

***The rezoning proposal aligns with the mix of office, retail and restaurant uses in the area. The zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.***

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

***The proposed use of the property is supported by the goals of the Comprehensive Plan, and therein lies support for approval.***

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

***The zoning proposal will not affect historic buildings, sites, districts or archaeological facilities.***

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

***The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.***

## PLANNING COMMISSION RECOMMENDATION

At their July 12, 2016 meeting, the Planning Commission heard the applicant's request to rezone property currently zoned O-I (Office-Institution) District to CR-1 (Commercial-Residential Mixed-Use) District. After much discussion with the applicant and staff, the Commission recommended approval with the following conditions:

1. The site shall be developed in general conformity with the site plan dated July 7, 2016, with changes to meet land development and zoning regulations.
2. The following uses shall be prohibited:
  - a. Shelter, homeless;
  - b. Vehicle storage and towing;
  - c. Vehicle or trailer sales and rental;
  - d. Taxi stand and taxi dispatching office;
  - e. Child care institutions of any size;
  - f. Transitional housing facilities;
  - g. Ambulance service;
  - h. Kindergarten;
  - i. Place of worship;
  - j. Essential utility facility;
  - k. Telecommunication tower;

- l. Telecommunication antenna, co-located;
- m. Nail salon;
- n. Liquor store;
- o. Funeral home or mortuary;
- p. Laundromat, self-service;
- q. Day care facility or center; and
- r. Personal care home, family, group or community

## STAFF RECOMMENDATION

In reviewing the conditions with the Legal Department, staff was advised of federal limitations, specific to the Religious Land Use Institutionalized Persons Act ("RLUIPA") and FCC law. Under RLUIPA, municipalities must treat public assemblies including places of worship (churches, synagogues, etc.) the same as non-religious entities (private club, lodges, etc.). Therefore, if a municipality allows a private non-religious form of public assembly, but prohibit a religious form of public assembly ("place of worship") on the same parcel of zoned property, such action may be in violation of RLUIPA. Secondly, pursuant to FCC, municipalities cannot control much in terms of co-location of telecommunication antennas if they otherwise meet other, non-use, non-zoning related requirements. Taking into consideration the aforementioned federal laws, staff has removed uses i.) "Places of Worship", and l.) "Telecommunications Tower, co-located" in the recommended condition.

Based upon the findings and conclusions herein, staff recommends APPROVAL of RZ 16-081, subject to the following exhibits and conditions:

### EXHIBIT A: Site plan dated July 7, 2016

1. Property shall be developed in general conformity with Exhibit A above, with changes to meet land development and zoning regulations.
2. The following uses shall be prohibited:
  - a. Shelter, homeless;
  - b. Vehicle storage and towing;
  - c. Vehicle or trailer sales and rental;
  - d. Taxi stand and taxi dispatching office;
  - e. Child care institutions of any size;
  - f. Transitional housing facilities;
  - g. Ambulance service;
  - h. Kindergarten;
  - i. Essential utility facility;
  - j. Telecommunication tower;
  - k. Nail salon, but not to exclude nail services ancillary to a beauty shop, estheticians office, or spa and/or massage establishment;
  - l. Liquor store, but not to exclude specialty beer and/or wine sales with the ancillary sale of spirits, which may not exceed 25% of the total floor area devoted to the display and/or storage of all alcoholic beverages;
  - m. Funeral home or mortuary;
  - n. Laundromat, self-service;
  - o. Day care facility or center; and
  - p. Personal care home, family group or community.
  - q. Residential



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- r. Laundry or dry cleaning drop off/pick-up that occupies more than 50% of the gross floor area of the ground floor of the building.
3. "Restaurant, drive-in or drive-through," shall require the approval of a Special Land Use Permit by the City Council.



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### **Attachments**

- Ordinance
- Exhibit A: Site Plan, dated July 7, 2016
- Planning Commission Meeting Minutes, July 12, 2016
- Location, Zoning, Aerial, Character Area and Future Land Use Maps
- Sec. 27-97, Dunwoody Village Overlay Excerpt
- Dunwoody Village Master Plan Excerpt
- Dunwoody Comprehensive Plan Excerpt
- Application Packet

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2016-XX-XX**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS OF LAND LOT 366, District 18 IN CONSIDERATION OF ZONING CASE RZ-16-081 (1660 Mount Vernon Road) FROM OFFICE-INSTITUTION (O-I) DISTRICT TO COMMERCIAL-RESIDENTIAL MIXED USE (CR-1) ZONING DISTRICT**

- WHEREAS:** JK Family Trust, seeks permission to rezone property currently zoned Office-Institution (O-I) District to Commercial-Residential Mixed Use (CR-1) District to renovate the existing building into a small-scale shopping center with a retail, restaurant and/or office use; and
- WHEREAS:** the Property, Tax Parcel 18 366 07 013 is located on the northwest side of Mount Vernon Road and Dunwoody Village Parkway, and consists of a 0.82 acres; and
- WHEREAS:** the Property is currently improved with a two-story, 3900 square foot building formerly occupied by a bank and lies within the Dunwoody Village Overlay District, with surrounding areas consisting of retail, shopping, banks, restaurants and office uses, and the character of the area consisting of pre-colonial "Williamsburg" style architecture; and
- WHEREAS:** the applicant has proposed to renovate the existing building to create a mixed use property for a proposed retail shopping center, with restaurants and office uses; and
- WHEREAS:** the Mayor and City Council find that the proposed use aligns with the Dunwoody Village Overlay Character Area and Future Land Use Map which calls for focused pedestrian and bicycle amenities, functional open space, a multi-modal transportation environment, architectural controls and place making; and
- WHEREAS:** the Mayor and City Council further find that the proposed use aligns with the Village Center Mixed Use District of the Land Use Framework Plan in the Dunwoody Village Master Plan, which calls for, among others, new retail/office storefront, "walkable" storefront character, and generally for-sale product; and
- WHEREAS:** Notice to the public regarding said rezoning and modification to conditions of zoning has been duly 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 hereby **ORDAIN AND APPROVE** the rezoning of said property from Office-Institution (O-I) to Commercial-Residential Mixed Use (CR-1) District subject to the following conditions:

1. Property shall be developed in general conformity with Exhibit A above, with changes to meet land development and zoning regulations.
2. The following uses shall be prohibited:

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2016-XX-XX**

- a. Shelter, homeless;
  - b. Vehicle storage and towing;
  - c. Vehicle or trailer sales and rental;
  - d. Taxi stand and taxi dispatching office;
  - e. Child care institutions of any size;
  - f. Transitional housing facilities;
  - g. Ambulance service;
  - h. Kindergarten;
  - i. Essential utility facility;
  - j. Telecommunication tower;
  - k. Nail salon, but not to exclude nail services ancillary to a beauty shop, estheticians office, or spa and/or massage establishment;
  - l. Liquor store, but not to exclude specialty beer and/or wine sales with the ancillary sale of spirits, which may not exceed 25% of the total floor area devoted to the display and/or storage of all alcoholic beverages;
  - m. Funeral home or mortuary;
  - n. Laundromat, self-service;
  - o. Day care facility or center; and
  - p. Personal care home, family group or community.
  - q. Residential
  - r. Laundry or dry cleaning drop off/pick-up that occupies more than 50% of the gross floor area of the ground floor of the building.
3. "Restaurant, drive-in or drive-through," shall require the approval of a Special Land Use Permit by the City Council.

**SO ORDAINED AND EFFECTIVE**, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
Denis L. Shortal, Mayor

\_\_\_\_\_  
City Attorney

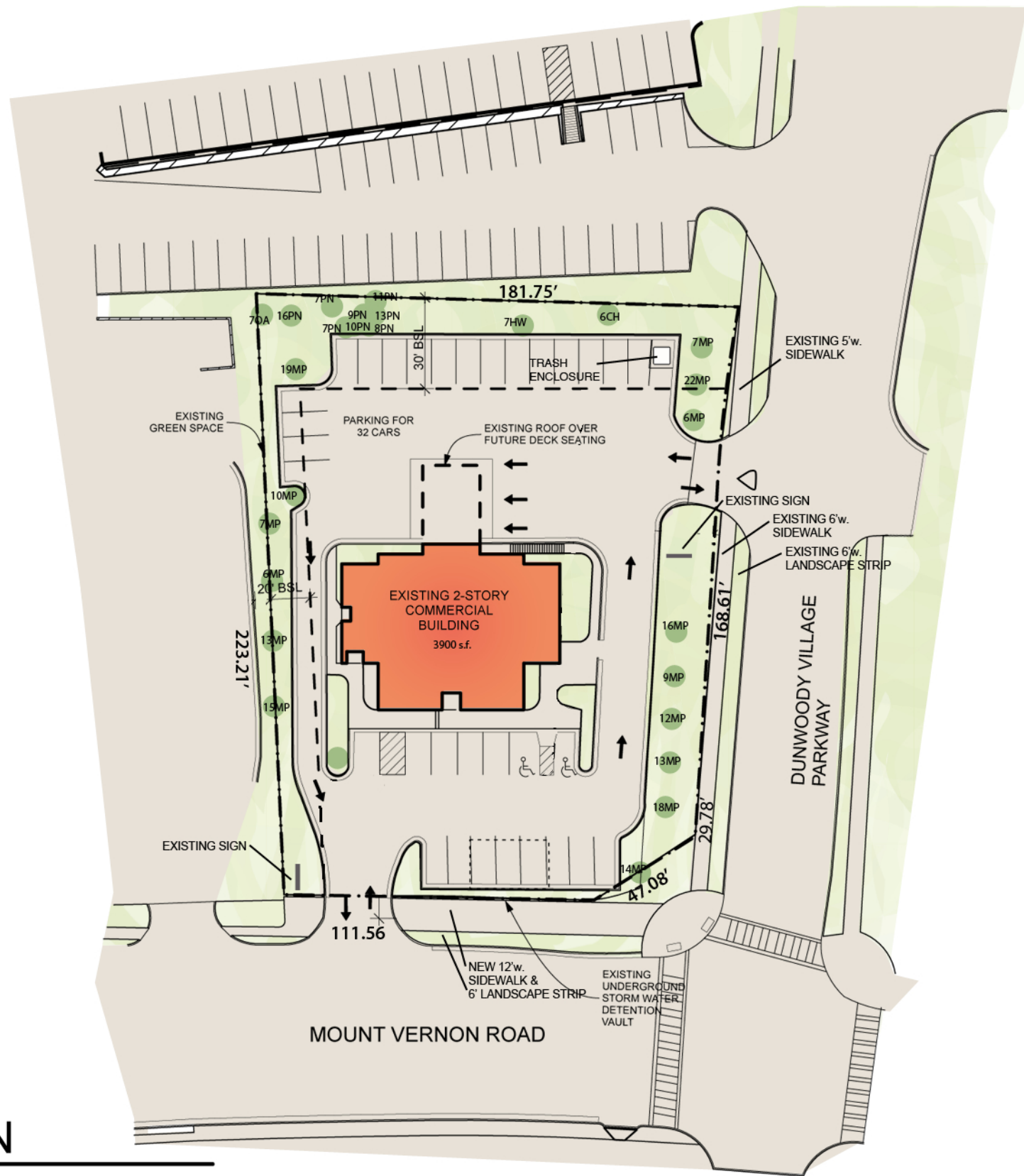
Attest:

\_\_\_\_\_  
Sharon Lowery, City Clerk

SEAL

# SITE PLAN

SCALE: 1" = 50'



## PROJECT DATA

ACREAGE:	.82 ACRES = 35,719.20 sf
EXISTING BUILDING AREA:	3900 S.F.
EXISTING BLG HEIGHT:	
2- STORIES	< 45'
PROPOSED ZONING:	CR-1
PROPOSED USE:	RETAIL / OFFICE
BUILDING SETBACKS:	
FRONT/STREET	0'
SIDE	20'
REAR	30'
LOT COVERAGE	
ALLOWABLE (80%):	28,575 SF
PROVIDED (75%):	26,756 SF
PARKING SPACES-	32 TOTAL (EXISTING)
	30 REGULAR
	2 HANDICAP

## NOTES:

1. ALL SITE PLAN INFORMATION IS BASED ON BOUNDARY & TOPOGRAPHIC SURVEY PREPARED BY TRAVIS PRUITT & ASSOCIATES INC ENTITLED '1660 MOUNT VERNON ROAD' DATED 7.6.2016, AND PARCEL MAP PROVIDED BY CITY OF DUNWOODY.
2. ALL TREES SHOWN ON SITE PLAN ARE EXISTING AND ARE INTENDED TO REMAIN. ALL TREE SAVE FENCING WILL BE SHOWN ON BUILDING / LAND DISTURBANCE PERMIT DRAWINGS.



NORTH



CITY OF DUNWOODY  
JULY 12, 2016  
PLANNING COMMISSION MINUTES

The Planning Commission of the City of Dunwoody held a Meeting on July 12, 2016 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Paul Player, Chair  
Heyward Wescott, Vice-Chair  
Kirk Anders, Commission Member  
Bob Dallas, Commission Member  
Bill Grossman, Commission Member  
Richard Grove, Commission Member

Also Present: Steve Foote, Community Development Director  
Andrew Russell, Planning Coordinator  
Ronnie Kurtz, Planning Technician

A. CALL TO ORDER

Paul Player called the meeting to order.

B. ROLL CALL

All members were in attendance with the exception of Renate Herod.

C. MINUTES

1. Approval of Meeting Minutes from April 12, 2016 Planning Commission Meeting

Bob Dallas motioned to approve. Heyward Wescott seconded.

Passed For: 6 (Anders, Dallas, Grossman, Grove, Player, Wescott);  
Against: 0; Abstain: 0; Absent: 1 (Herod)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

No unfinished business.

F. NEW BUSINESS

Andrew Russell asked Paul Player, Chair to allow the two items to be presented in a single presentation.

Paul Player stated the items could be presented in a single presentation.

1. RZ 16-081: JK Family Trust, owner of 1660 Mount Vernon Road, Dunwoody, GA 30338, by Dennis J. Webb Jr., attorney for owner, seeks permission to rezone property currently zoned O-I (Office-Institution) District to CR-1 (Commercial-Residential Mixed-Use) District to renovate the existing building into a small scale shopping center with retail, restaurant, and/or office use.

Andrew Russell presented the Rezoning and SLUP requests together on behalf of staff, and stated an additional SLUP request, (c), is requested by the applicant from Section 27-97(i)(3) to reduce the 10-foot pedestrian buffer zone width along the abutting sides and rear of the building.

Andrew recommended approval of the Rezoning application with conditions, and responded to questions from the applicant.

Den Webb, attorney on behalf of Jeff Kirker, applicant, presented on behalf of the Rezoning and SLUP applications. Den stated the existing building and parking configuration does not fit the Master Plan for the area, and that the applicant chose CR-1 over C-1 because C-1 is not recommended in the future land use plan and CR-1 is. Den stated the proposed development will meet all regulations of the district if the SLUPS are granted. Den stated the applicant applied for a SLUP to reduce required sidewalk width from 12 feet to 6 feet over concerns about the impact the 6 foot addition could have on the nearby trees. Den stated the additional SLUP, (c), was applied for because existing conditions preclude the development from adhering to the pedestrian buffer zone requirements.

Kirk Anders stated he will abstain from voting on the Rezoning or SLUP due to possibility of a conflict.

The Commission asked questions of the applicant and staff.

Bob Dallas asked the applicant and staff questions regarding the addition of 6 feet of sidewalk. Bob stated that a 12-foot sidewalk is necessary to fulfill the intent of the area.

Steve Foote responded to questions of the Commission. Steve stated the existing 6 feet of sidewalk would remain as is and the additional 6 feet would be added beside it.

Andrew Russell stated that the City Arborist has determined that the 6 foot sidewalk addition would not negatively impact the trees.

Heyward Wescott noted that the law office, located in the Dunwoody

Village Overlay at 1441 Dunwoody Village Parkway, was required to install the additional 6-feet of sidewalk required by code when that applicant submitted for a SLUP last year.

Heyward Wescott motioned to approve rezoning in accordance with the following condition:

1. The site shall be developed in general conformity with the site plan dated July 7, 2016, with changes to meet land development and zoning regulations.

Bill Grossman motioned to amend the motion with the following conditions:

2. The following uses shall be prohibited: 1. Shelter, homeless; 2. Vehicle storage and towing; 3. Vehicle or trailer sales and rental; 4. Taxi stand and taxi dispatching office; 5. Child care institutions of any size; 6. Transitional housing facilities; 7. Ambulance service; 8. Kindergarten; 9. Place of worship; 10. Essential utility facility; 11. Telecommunication tower; 12. Telecommunication antenna, co-located; 13. Nail salon; 14. Liquor store; 15. Funeral home or mortuary; 16. Laundromat, self-service; 17. Day care facility or center; 18. Personal care home, family, group or community.

Bill Grossman provided a handout to the Commission, staff, and the applicant, a copy of which was retained for the record. Discussion was had on the amendment to the motion.

Heyward Wescott seconded the amendment to the motion.

Passed For: 5 (Dallas, Grossman, Grove, Player, Wescott); Against: 0; Abstain: 1 (Anders); Absent: 1 (Herod)

Bob Dallas seconded the amended motion.

Passed For: 5 (Dallas, Grossman, Grove, Player, Wescott); Against: 0; Abstain: 1 (Anders); Absent: 1 (Herod)

2. SLUP 16-081: JK Family Trust, owner of 1660 Mount Vernon Road, Dunwoody, GA 30338, by Dennis J. Webb Jr., attorney for owner, seeks a Special Land Use Permit to waive the requirements of the Dunwoody Village Overlay District regulations of (a) Section 27-97(i)(1) to allow for reduction in sidewalk width from 12 feet to 6 feet (Dunwoody Village Parkway) and (b) Section 27-97(g)(2) to allow the existing front yard parking lot to remain as is. The tax parcel of the property is 18-366-07-013.

Andrew Russell recommended denial of SLUP request (a); approval of SLUP request (b) with conditions; and approval of SLUP request (c) with conditions.

Den Webb stated the applicant is generally okay with staff's conditions to the SLUP with the exception of Condition 3 on SLUP (b), changing the word "paved" to "marked"

Bob Dallas motioned to deny SLUP request (a). Bill Grossman seconded.

Passed For: 5 (Dallas, Grossman, Grove, Player, Wescott); Against: 0; Abstain: 1 (Anders); Absent: 1 (Herod)

Bill Grossman motioned to approve SLUP (b) with the following conditions:

1. The subject property shall be developed on accordance with the site plan dated July 7, 2016 with changes to meet land development and zoning regulations.
2. The parking lot perimeter shall be required to meet the perimeter landscaping requirements of section 27-229.
3. A minimum 5-foot wide, paved pedestrian access must connect all adjacent public rights-of-ways to the main building entrance.
4. Three street trees shall be planted along Mount Vernon Road.
5. Street trees shall be subject to staff approval on species and size.

Heyward Wescott seconded.

Passed For: 5 (Dallas, Grossman, Grove, Player, Wescott); Against: 0; Abstain: 1 (Anders); Absent: 1 (Herod)

Bob Dallas motioned to approve SLUP (C) with the following condition:

1. The subject property shall be developed in accordance with the site plan dated July 7, 2016 with changes to meet land development and zoning regulations.

Bill Grossman seconded.

Passed For: 5 (Dallas, Grossman, Grove, Player, Wescott); Against: 0; Abstain: 1 (Anders); Absent: 1 (Herod)

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMISSION COMMENT

Bob Dallas stated he would like to make the citizens aware that there is a development proposed in the central Perimeter area next to the MARTA station where there is the potential for a park.

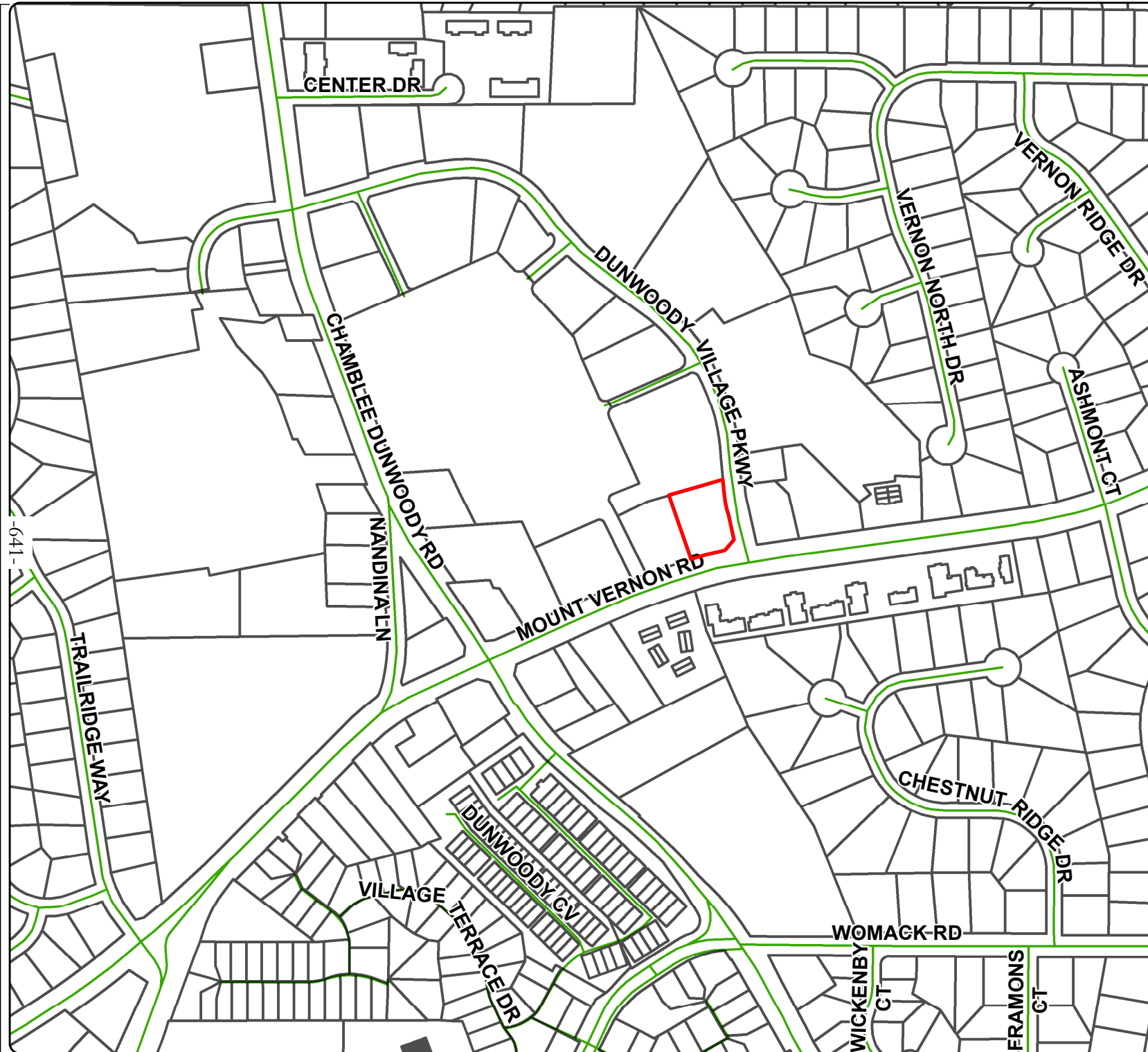
Heyward Wescott stated that the Board has not received any communication from the City staff in regards to the changes to the DHA policy issued.

Bill Grossman stated he has not received an email regarding the aforementioned policy change, and asked for it to be sent to him.

Paul Player stated disapproval over the recent policy regarding board membership.

J. ADJOURN

Bob Dallas motioned to adjourn. Bill Grossman seconded.



**Dunwoody\***  
 \*Smart people - Smart city

Community Development

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**1660 Mount Vernon Road**

**RZ 16-081 &  
 SLUP 16-081**

**Location Map**

*August 2016*

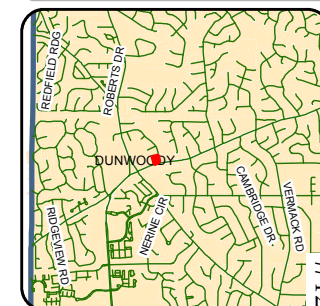
### Legend

-  Parcel
-  Street Centerline



**Scale:**

1 in = 429 ft



#12.

















**1660 Mount Vernon Road**

**RZ 16-081 &  
SLUP 16-081**

**Zoning Map**

*August 2016*

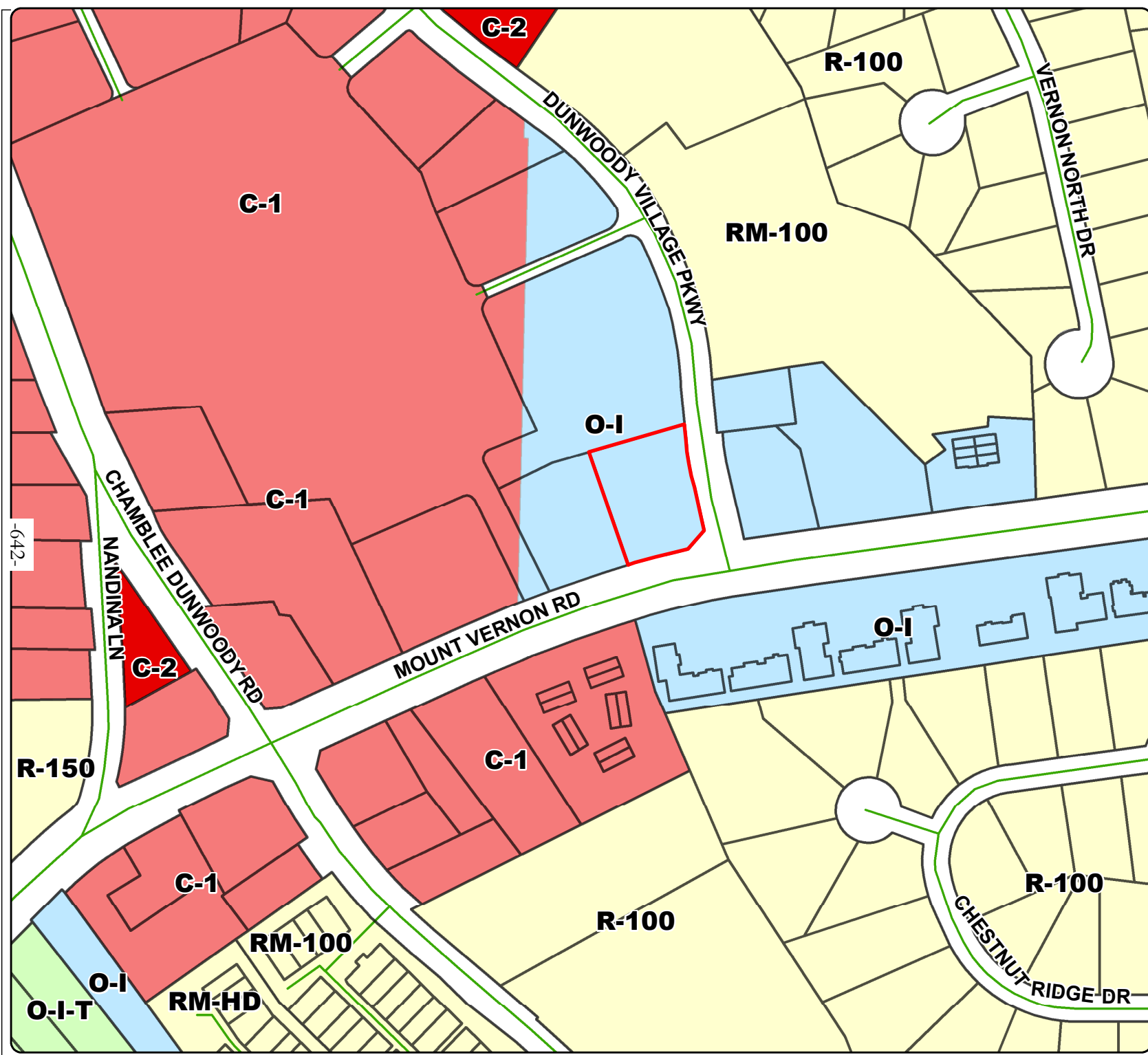
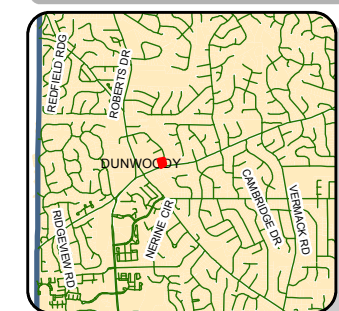
**Legend**

-  Parcel
-  Street Centerline
- Zoning District**
-  Local Commercial (C-1)
-  Local Commercial (C-1c)
-  General Commercial (C-2)
-  Commercial-Residential Mixed-Use (CR-1)
-  Industrial (M)
-  Neighborhood Shopping (NS)
-  Office-Distribution (O-D)
-  Office-Institution (O-I)
-  Office-Institution-Transitional (O-I-T)
-  Office-Institution (O-Ic)
-  Office-Commercial Residential (OCR)
-  Office-Commercial Residential (OCRC)
-  Planned Development (PD)
-  Residential (R)



**Scale:**

1 in = 242 ft





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**1660 Mount Vernon Road**

**RZ 16-081 &  
 SLUP 16-081**

**Aerial Map**

*August 2016*

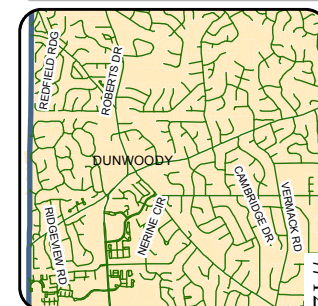
## Legend

-  Parcel
-  Street Centerline



**Scale:**

1 in = 249 ft



#12.

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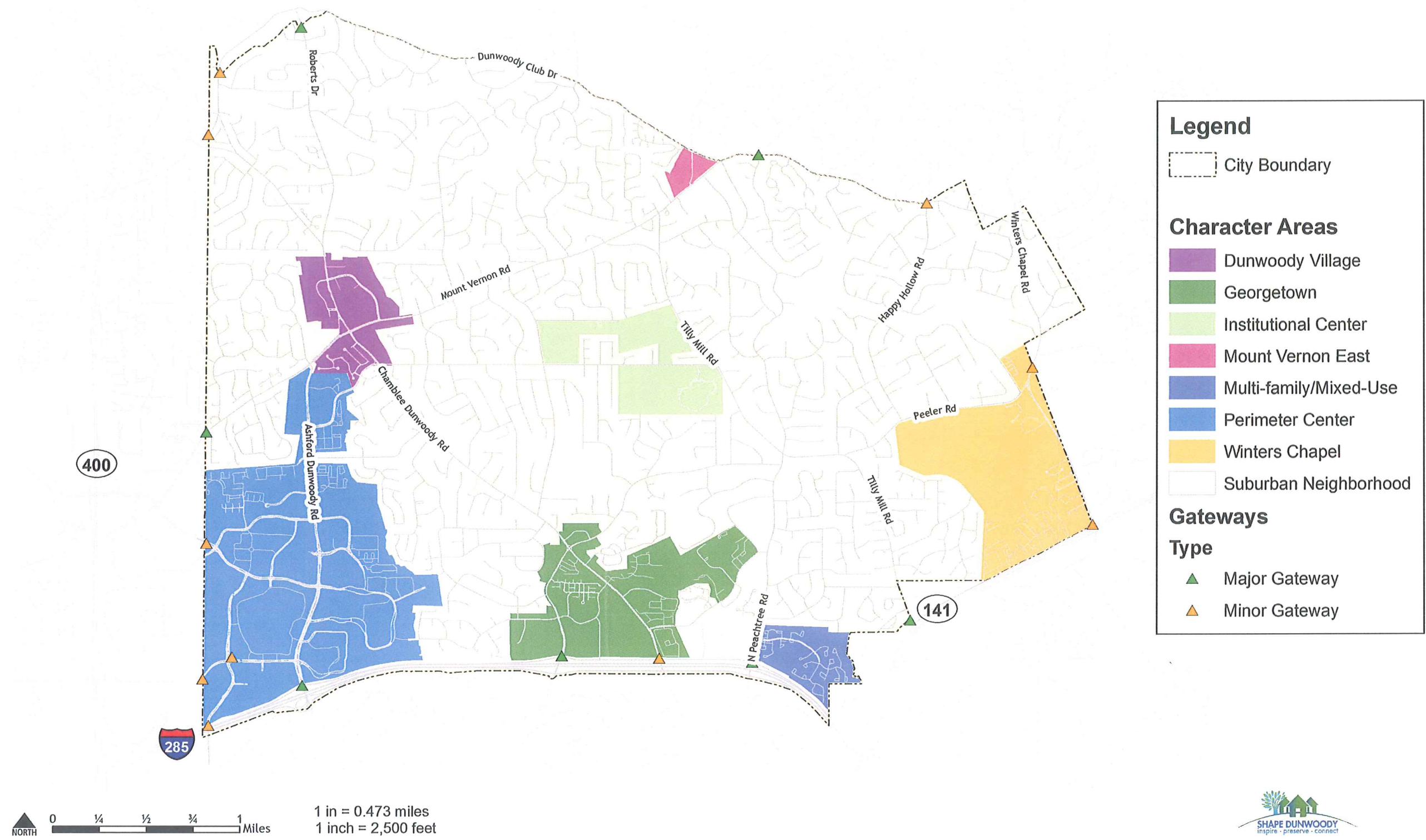


FIGURE 4: Character Areas Map

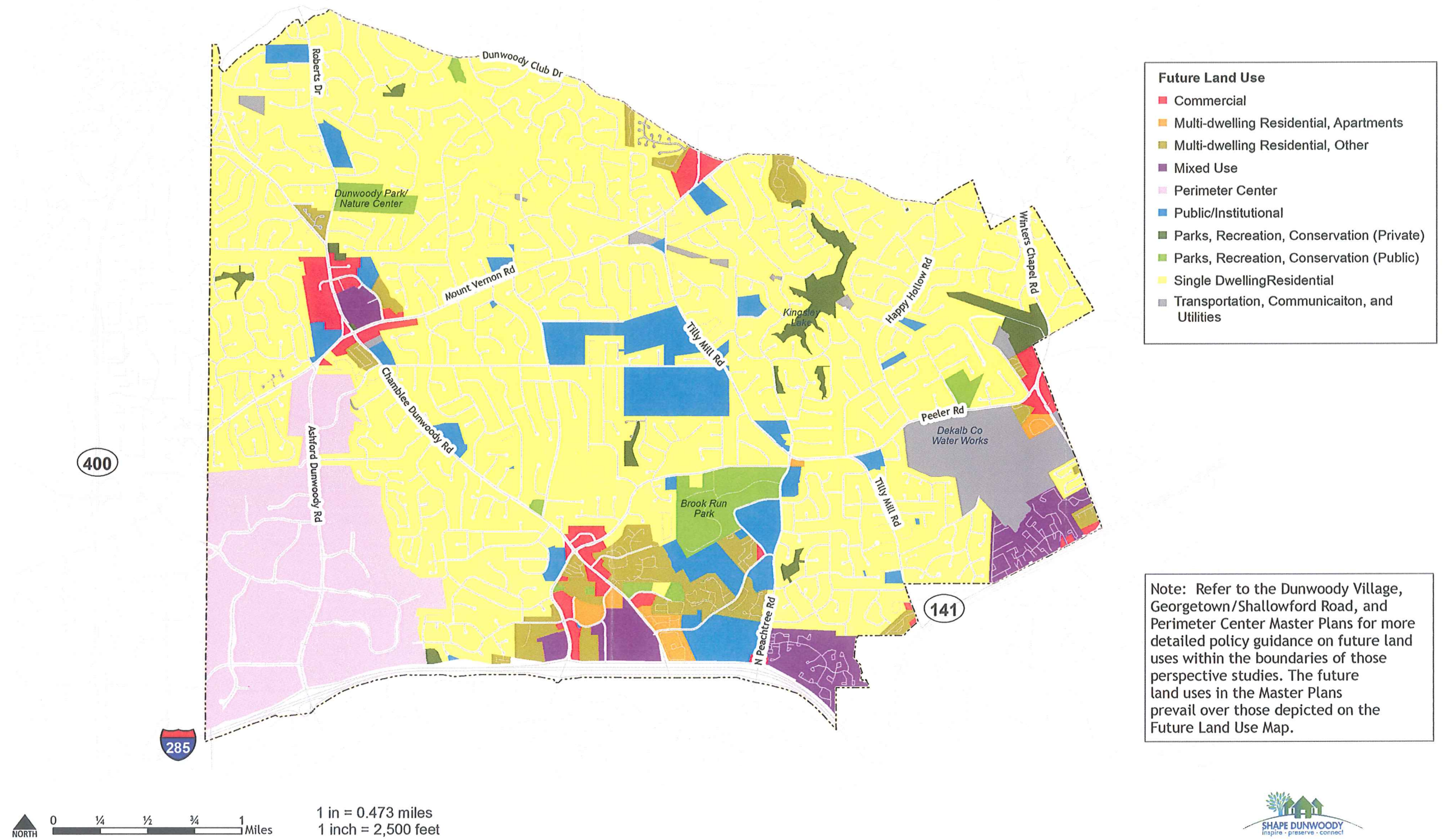


FIGURE 17: Future Land Use Map

CHAPTER 27 - ZONING ORDINANCE<sup>[1]</sup>

## Footnotes:

--- (1) ---

**Editor's note**—Ord. No. 2013-10-15, § 1, adopted Oct. 14, 2013, repealed former Ch. 27, §§ 27-1—27-1654, and enacted a new Ch. 27 as set out herein. Former Ch. 27 pertained to similar subject matter. See the Code Comparative Table for a complete derivation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text have been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets and obvious misspellings and punctuation errors have been corrected without notation.

## ARTICLE II. - ZONING DISTRICTS

## DIVISION 2. - NONRESIDENTIAL AND MIXED-USE ZONING DISTRICTS

## Sec. 27-71. - General.

(a) The districts. The city's nonresidential and mixed-use zoning districts are listed below.

	Zoning District	Map Symbol
Office	Office-Institution	O-I
	Office-Institution-Transitional	O-I-T
	Office-Distribution	O-D
	Office-Commercial-Residential	OCR
Commercial	Neighborhood Shopping	NS
	Local Commercial	C-1
	Commercial-Residential Mixed-Use	CR-1
	General Commercial	C-2
Industrial	Industrial	M

---

(b) Purposes.

- (1) General. The nonresidential and mixed-use districts are generally intended to promote consistency with the comprehensive plan and provide opportunities for shopping, employment, entertainment and living.
- (2) Office-institution and office-institution-transitional. The primary purposes of the O-I and O-I-T districts are as follows:
  - a. To provide convenient locations for office and institutional uses;
  - b. To provide locations for the development of cultural, recreational, educational and health service facilities; and
  - c. To limit building heights to two stories in O-I-T zoned areas adjacent to single-dwelling residential districts.
- (3) Office-distribution. The primary purpose of the O-D district is to provide convenient locations for office and distribution establishments.
- (4) Office-commercial-residential. The primary purposes of the OCR district are as follows:
  - a. To provide for economic development within the city through redevelopment of parcels of land that have been used in the past for commercial and light industrial uses but that have become obsolete and now offer an opportunity for establishing new moderate-intensity mixed-use developments consisting of a combination of office, commercial and residential uses;
  - b. To promote redevelopment and new development in an environment that is pedestrian-oriented and that provides employment, shopping, entertainment and living opportunities in close proximity thereby reduces auto dependency; and
  - c. To encourage the conversion of vacant commercial and industrial buildings into mixed-use projects.
- (5) Neighborhood shopping. The primary purposes of the NS district are as follows:
  - a. To provide convenient neighborhood retail shopping and service areas within the city;
  - b. To provide for the development of new neighborhood shopping districts;
  - c. To help ensure that the size and scale of neighborhood shopping centers and individual uses within shopping centers are compatible with the scale and character of surrounding neighborhoods; and
  - d. To accommodate uses designed to serve the convenience shopping and service needs of the immediate neighborhood.
- (6) Local commercial. The primary purposes of the C-1 district are as follows:
  - a. To provide convenient local retail shopping and service areas within the city;
  - b. To provide for the development of new local commercial districts; and
  - c. To accommodate uses designed to serve the convenience shopping and service needs of groups of neighborhoods.
- (7) Commercial-residential mixed-use. The primary purposes of the CR-1 district are as follows:
  - a. To provide convenient local retail shopping and service areas within a mixed-use (commercial-residential) setting;

- b. To provide for the development of new commercial-residential mixed-use districts; and
  - c. To promote development patterns that accommodate residential, employment and entertainment within a walkable, mixed-use environment.
- (8) General commercial. The primary purposes of the C-2 district are as follows:
- a. To provide convenient general business and commercial service areas within the city;
  - b. To provide for the development of new general commercial districts; and
  - c. To accommodate uses designed to serve the general business and commercial service needs of the city.
- (9) Industrial. The primary purposes of the M district are as follows:
- a. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment;
  - b. To help ensure that establishments operate so as to not create adverse noise and other impacts on nearby residential, office, commercial and mixed-use districts; and
  - c. To help ensure that M districts are located in areas with access to major arterials and freeways.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.10), 10-14-2013)

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See [subsection] 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations	
	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M		
P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd											
RESIDENTIAL											
Household Living											
Detached house	-	P	-	-	-	-	-	-	-	27-147	
Multi-unit building	-	-	-	S	-	-	S	-	-		
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-		

Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Personal care home, family (1—4 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, group (5—7 persons)	-	-	P	-	P	P	P	P	-	
Personal care home, community (8+ persons)	P	P	P	-	P	P	P	P	-	27-145
Child caring institution (1—6 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (7—15 persons)	P	P	P	-	P	P	P	P	-	
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Community living arrangement (1—4 persons)				P		P	P			
Shelter, homeless	S	S	-	-	-	P	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	P	P	P	-	27-140
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	P	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	

Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	-	-	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131

Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	P	P	P	P	
Recording studios	P	P	P	-	-	P	P	P	P	
Telecommunication tower	A	-	A	-	S	A	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	P	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	P	P	P	P	
Eating and Drinking Establishments										
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Restaurant, drive-in or drive-through	-	-	-	-	-	P	S	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	-	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P		
Movie theater	-	-	-	P	-	-	-	P	-	

Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	-	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	P	P	P	P	
Lodging	P	-	P	P	-	P	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	

Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	P	P	P	P	27-143
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	-	-	P	P	P	P	P	P	-	
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	

Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P		
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	P	-	P	P	27-134
Gasoline sales	-	-	-	-	-	P	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	P	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	S	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										

Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Heliport	S	-	S	-	-	S	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	P	P	-	P	

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2015-06-13, § 1, 6-22-2015)

Sec. 27-73. - Lot and building regulations.

- (a) This section establishes basic lot and building regulations that apply in nonresidential and mixed-use zoning districts. These regulations offer certainty for property owners, developers and neighbors about the limits of what is allowed; they are not to be construed as a guarantee that stated minimums and maximums can be achieved on every lot. Other factors, such as topography, the presence of protected resources, off-street parking and other factors may work to further limit actual building and development potential.
- (b) The lot and building standards of the following table apply to all principal and accessory uses allowed in nonresidential and mixed-use districts, unless otherwise expressly stated in this zoning ordinance. Article VII, division 1, identifies exceptions to these regulations and rules for measuring compliance (see also Figure 5-1).

	Regulation	O-I	O-I-T	O-D	OCR	NS	C-1	CR-1	C-2	M
L1	Minimum Lot Area (sq. ft.)	20,000	20,000[1 ]	43,560	87,120	20,000	20,000	20,000	30,000	30,000
L2	Minimum Lot Frontage (ft.)	100	100	150	100	100	100	100	100	100

	Maximum Density (dwelling units per acre)	NA	NA	NA	30	NA	NA	80	NA	NA
	Minimum Building/Structure Setbacks (ft.)									
S 1	Street, front and side	50	40	75	0	50	50	0	50	75
S 2	Side, interior	20	20	20	20	20	20	20[2]	20	20
S 3	Rear	30	30	30	40	30	30	30	30	30
C	Maximum Lot Coverage (%)	80	80	80	80	80	80	80	80	80
	Maximum Building Height (stories/ft.)	5/70[3 ]	2/35	2/35[4 ]	2/35[4 ]	2/25	2/35[4 ]	3/45[4 ]	2/35[4 ]	5/70[3 ]
	Maximum Building Floor Area (sq. ft.)	NA	NA	NA	NA	50,000[5 ]	NA	NA	NA	NA

[1] Attached house developments are subject to a minimum lot area requirement of 4,000 square feet per dwelling unit.

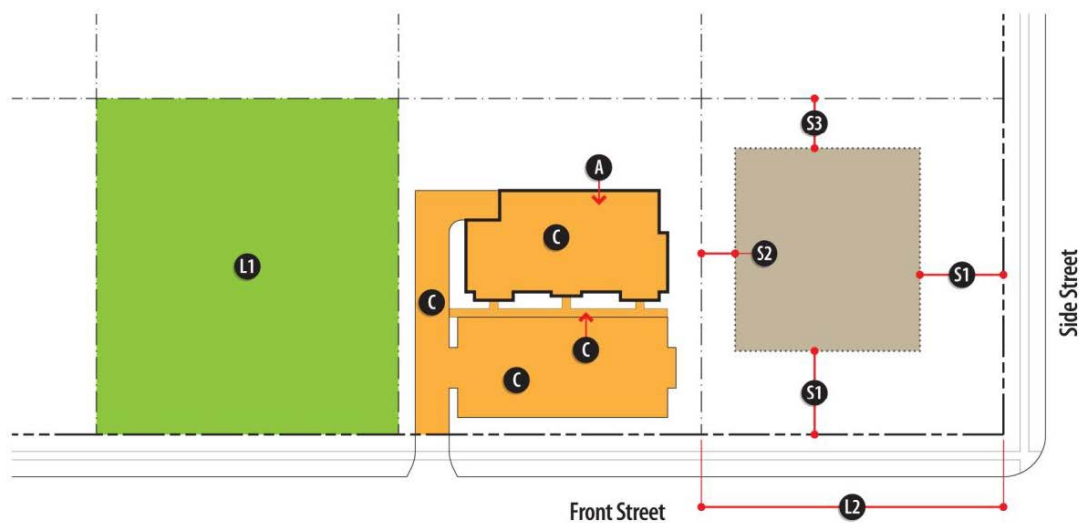
[2] No interior side setback required abutting C-1, CR-1 or C-2-zoned lots.

[3] Buildings may exceed three stories in height only if approved by fire and rescue services. Buildings in excess of five stories or 70 feet in height may be approved only through the special land use permit procedures of article V, division 3. Multi-unit residential and vertical mixed-use buildings that abut any attached single-dwelling residential district may not exceed 40 feet in height. Multi-unit residential buildings and vertical mixed-use buildings that abut any detached single-dwelling residential district may not exceed 35 feet in height.

[4] Buildings in excess stated height limits may be approved through the special land use permit procedures of article V, division 3. Buildings may exceed three stories in height only if approved by fire and rescue services.

[5] No individual building may exceed 50,000 sq. ft. (GSF). No multi-tenant center may exceed 100,000 sq. ft.

Figure 5-1: Lot and Building Regulations Diagram, Nonresidential and Mixed-use Districts



(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.30), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015)

#### Sec. 27-74. - Other regulations.

Uses and development in nonresidential and mixed-use zoning districts may be subject to other regulations and standards, including the following.

- (1) Nonconformities. See article VI, division 4.
- (2) Accessory uses and structures. See article III, division 3.
- (3) Parking. See article IV, division 1.
- (4) Landscaping and screening. See article IV, division 2.
- (5) Signs. See chapter 20 of the Municipal Code.
- (6) Outdoor storage. See section 27-286.
- (7) Temporary uses. See article III, division 4.
- (8) Outdoor lighting. See article IV, division 3.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-5.40), 10-14-2013)

Secs. 27-75—27-85. - Reserved.

#### DIVISION 4. - OVERLAY ZONING DISTRICTS

Sec. 27-96. - General.

- (a) Establishment. Overlay zoning district regulations and overlay zoning district boundaries may be established or amended only in accordance with the amendment procedures of article V, division 2.
- (b) Interpretation. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this zoning ordinance. When overlay district standards conflict with standards that would otherwise apply under this zoning ordinance, the regulations of the overlay zoning district govern. Otherwise, all applicable regulations of this zoning ordinance apply in overlay districts.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-7.10), 10-14-2013)

Sec. 27-97. - DVO, Dunwoody Village Overlay.

- (a) Purpose and intent. The Dunwoody Village Overlay district is primarily intended to implement the policies and objectives of the comprehensive plan and the Dunwoody Village master plan. It is further intended to help:
  - (1) Maintain and enhance the identity and image of the Dunwoody Village area;
  - (2) Accommodate and promote walkable, development patterns containing a complementary mix of land uses;
  - (3) Create new opportunities for public open spaces and gathering spaces in the commercial core of Dunwoody;
  - (4) Ensure that new development and substantial additions to existing buildings are compatible with the pre-1900 Mid Atlantic American Colonial Architecture that is characteristic of the district;
  - (5) Support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and
  - (6) Maintain and enhance the area's role as a place for civic activities and public gatherings within well-designed open spaces.
- (b) Redevelopment. The city council anticipates that in the future a developer may desire to redevelop all or portions of the Dunwoody Village area, and that the type of redevelopment proposed may be difficult or impossible to carry out under the existing zoning. To accommodate and encourage large-scale redevelopment in accordance with the approved Dunwoody Village Master Plan, the city council may consider rezoning or planned development (PD) development proposals.
- (c) Thresholds for compliance.
  - (1) Full compliance. Except as otherwise expressly stated by the specific provisions of this section (section 27-97), permits for the following building and construction activities may be issued only if the entire building is determined to comply with the applicable regulations:
    - a. Construction of a new building;
    - b. Construction of building additions that result in a ten-percent or greater increase in the floor area or building coverage of the existing building;
    - c. Exterior construction or remodeling with a total value of 15 percent or more of the county tax assessor's 100 percent assessed value of the existing improvements only; and
    - d. Interior construction or remodeling with a total value of 25 percent or more of the county tax assessor's 100 percent assessed value of the existing improvements only.

- (2) Partial compliance. Permits for exterior remodeling or building activities that do not trigger full compliance may be issued only if the portion of the building affected by the work is determined to be in compliance with all applicable overlay district regulations.
- (d) Design review. No land-disturbance permit, building permit or sign permit may be issued for buildings or construction activities that are subject to one or more of the overlay district regulations of this section until the design review process of article V, division 4, has been completed.
- (e) Architecture and design.
  - (1) Exterior materials.
    - a. Exterior cladding material must consist of stone, earth tone brick (the preferred material) or white/cream painted horizontal lap siding. Lap siding must be wood, fiber cement lap siding or other substitute approved by the design review advisory committee because of its wood-like appearance and durability. If lap siding is used, the base of the structure must have brick or stone cladding from the grade to the first floor elevation. Vertical siding, stucco, external insulating finishing system (EIFS), metal siding, metal trim, vinyl siding, vinyl trim, marble siding, marble trim, exposed concrete and block are prohibited.
    - b. Exterior siding material must be consistent and uniform on all exterior elevations. Siding material must be predominantly brick, stone or lap siding. Buildings and building additions with masonry on only street-facing facades are prohibited. Buildings and building additions with first floor masonry and second floor lap siding are prohibited.
    - c. All exposed bricks must be approximately eight inches wide by three inches deep by 2.67 inches high and must be laid in a running bond. Engineer-size bricks and Flemish bond are also allowed. All joints must be tooled with grapevine joint, and mortar must be buff or ochre in color. Stone veneers must have ochre tooled mortar joints.





- d. When lap siding is used, the maximum allowable exposure on lap siding is eight inches.
- e. Applied trim materials, cornice and window casings must consist of painted wood or painted fiber cement or other substitute material approved by the design review advisory committee because of its wood-like appearance, durability and ability to hold paint. Metal, vinyl, stucco, block stone and concrete are prohibited, except that wrought-iron handrails are permitted. Nonmasonry trim colors are limited to colors available in the Martin Senour Williamsburg Paint Collection or similar approved alternatives.



- f. Exposed portions of the foundation must be covered in masonry veneer. Exposed block, stucco and concrete are prohibited.
- (2) Roofs. The following requirements apply to roofs visible from public rights-of-way, outdoor activity areas (e.g., seating areas) or other areas of the site intended for public access:
- a. Gabled roofs, hipped roofs, or combinations of such roof forms are permitted. Flat roofs and shed roofs are prohibited.



- b. Exterior roofing material is limited to asphalt (fiberglass) shingles, slate or cedar shake. Roofs must be black, a dark shade of gray or weathered wood color. All asphalt (fiberglass) shingles must be dimensional. Standing seam copper or bronze color metal roofs are permitted only as accents on porches or dormers.
- c. Roof overhangs must be at least eight inches but not greater than 12 inches. Gabled ends may have either an overhang or a flush rake.



- d. Eave lines must be consistent, largely unbroken and horizontal. All eaves must be architecturally detailed with one or more of the following elements: dental molding, crown molding, built-up fascia, or frieze board. The total width of fascias/cornices and rake trim must be at least 9.25 inches.
  - e. Roofs must contain at least one roof projection for every 75 lineal feet of building frontage. Roof projections may include cupolas, dormers, balustrade walks, chimneys or gables.
- (3) Building massing.
- a. Buildings that are longer than 75 feet must be designed so as to appear as multiple structures through the use of varied roof forms, building projections or architectural details.
  - b. Buildings that are longer than 100 feet must provide a pedestrian arcade or covered porch with minimum dimensions of eight feet in any direction. Exterior metal columns are prohibited. Exterior columns must include a base and a capital, and must generally align with story heights. Two-story exterior columns are prohibited. All exterior columns must be traditional in style.
  - c. The apparent exterior floor-to-floor height of each story of a building may not exceed 12 feet. Individual floors must be delineated on the building facade through the use of window placement and horizontal details.



- d. Buildings must have at least one building projection on the front facade below the eave line. Building projections may consist of stoops, bay windows, covered porches, extruded entrances, pedestrian arcades or other approved features.
  - e. Primary building walls must be rectilinear and simplified in form. Curved walls or non-90-degree corners are prohibited, except that bay projections may be allowed.
- (4) Fenestration. The following requirements apply only to areas visible from public rights-of-way, outdoor activity areas (e.g., seating areas) or other areas of the site intended for public access:
- a. Doors must be compatible with pre-1900 Mid Atlantic American Colonial Architecture style. All-glass doors and flush doors are prohibited. Solid doors must be six-panel and may have sidelights or a transom sashes. Windowed doors must contain a solid border, a minimum of six-inch-wide panels, and must include mullions or divided lights not exceeding 12 inches in any direction. Mullions must be 0.75 inches in size. French, three-quarter glass or nine-light doors are allowed if they comply with the requirements of this paragraph.
  - b. Individual doors must be of a single color and are limited to colors available in the Martin Senour Williamsburg Paint Collection or similar approved alternatives. Dark stained doors are allowed if the shade is equal to or darker than Minwax special walnut.
  - c. Primary doors may not exceed 42 inches in width and 96 inches in height. Larger doors are prohibited.
  - d. Windows must be vertically proportioned standard sizes, with a minimum width of 28 inches and minimum height of 66 inches. Transom windows are not subject to vertical proportion requirements and do not count in the overall window proportion. Vertical windows may be grouped to create storefront windows but are limited to 15-foot sections with a minimum of four-inch mulls. Group windows must be separated by at least five feet of unbroken wall space. Slit windows, strip windows, and ribbon windows are prohibited.



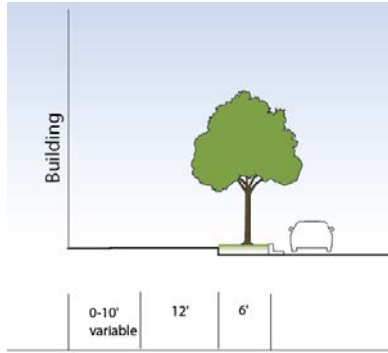


Window Trim and Mullions



- e. Blank facades are prohibited. Windowless sections of the front facade may not exceed 20 feet in width. Windows and doors must be provided on at least ten percent of the front facade but may not constitute no more than 50 percent of the total area of the front facade. For this purpose, windows must be measured at the sash and only the swinging part of the doors may be counted. Casing is not included in the measurement. Windows must generally be spaced in an even rhythm.
  - f. All windows must be rectilinear double hung, provided that arch top and fixed sash windows are allowed. Triangular or otherwise angular windows are prohibited. Round windows are permitted as accent windows in locations such as gables. Louvered gable vents are allowed, but they must be rectilinear and surrounded by one-by-four and backband.
  - g. All windows must have the appearance of mullions or divided lights. Mullions must be at least 0.75 inches in width. Panes must be vertical rectilinear, generally square in proportion. Diagonal panes are not permitted except in arch windows.
  - h. Shutters must be constructed of wood or a substitute material approved by the design review advisory committee because of its wood-like appearance and durability. Shutters must be sized to fit the window and include horizontal slats or raised panels. Metal and vinyl shutters are prohibited. Shutter colors are limited to colors available in the Martin Senour Williamsburg Paint Collection or similar approved alternatives. Shutters must appear operable, with hinges and tie backs.
  - i. All windows must have sill and header trim details. Cut brick jack arches must be installed on all windows visible from the street or parking lot.
  - j. The bottom of windows must be at least 20 inches above grade.
- (f) Signs. All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:
- (1) Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.
  - (2) Ground signs must be monument-style signs with a brick base.
  - (3) For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.
  - (4) For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.

- (5) Window signs may not exceed two square feet in area.
- (6) Banners are prohibited except for pole banners as permitted in chapter 26 of the Municipal Code.
- (7) Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.
- (8) Sign colors, except for logos, are limited to colors available in the Martin Senour Williamsburg Paint Collection or similar approved alternatives.
- (9) All illuminated signs must be indirectly illuminated or halo lighted.
- (10) Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.
- (11) Sign shape and lettering is limited as follows:
  - a. Sign facing must be flat in profile and may not exceed eight inches in thickness.
  - b. Signs with more than two faces are prohibited.
  - c. Sign lettering and logo content may not exceed 18 inches in height.
- (12) Standard informational signs:
  - a. May not be more than three feet above grade;
  - b. May not exceed six square feet in area;
  - c. May not have more than two sign faces;
  - d. May not be made from flexible materials, such as vinyl, cloth or paper;
  - e. Must be free-standing and not attached to permanent or temporary structures;
  - f. Must comply with the color standards of the district; and
  - g. Must be maintained in good repair.
- (g) Parking and circulation. The parking and circulation regulations of article IV, division 4, apply within the Dunwoody Village Overlay district except as modified by the following regulations:
  - (1) New nonresidential buildings and nonresidential uses and additions to existing nonresidential buildings and nonresidential uses may not provide more than three parking spaces per 1,000 square feet of floor area. This provision does not require that existing "excess" parking spaces be removed.
  - (2) Parking areas must be separated from the main road by a minimum distance of 30 feet and include at least the landscaping required by section 27-229. Wherever possible, parking must be confined to the rear of structures or be placed underground.
- (h) Landscaping. The landscaping and screening regulations of article IV, division 2, apply within the Dunwoody Village Overlay district. See also subsection (i).
- (i) Streetscape and pedestrian amenities.
  - (1) A minimum six-foot wide landscape area must be established abutting the back of the curb along abutting streets. This landscape area must adjoin a minimum 12-foot wide sidewalk. Buildings must abut the sidewalk or be located within ten feet of the sidewalk. If buildings are set back from the edge of the required 12-foot sidewalk, the setback area must include features such as outdoor dining and seating areas, plazas and landscaped open spaces that provide a safe, comfortable and active environment for pedestrians.



- (2) Street trees, spaced no more than 50 feet on center, must be provided in the required landscape area between the travel lanes and the sidewalk.
  - a. Maintenance of trees is the full responsibility of the owner of the adjacent site or the owner of the property on which the tree is located if it is located on private property.
  - b. Trees species must be selected from the city's approved street tree list, which is available in the community development department; alternative cultivars may be approved on a case-by-case basis with the approval of the city arborist.
  - c. Trees must be at least 2.5-inch caliper and at least eight feet in height at the time of planting. As street trees mature, they must be trimmed as necessary to provide a minimum vertical clearance of seven feet above the sidewalk.
- (3) Pedestrian buffer zones with a minimum width of ten feet must be provided abutting the sides and rear of all buildings. These areas provide a buffer between buildings and parking and service areas. The pedestrian buffer zones must contain walkways, planting areas, plazas, and similar pedestrian-oriented landscaped spaces. All pedestrian walkways within buffer zones must be at least six feet in width and finished with brick pavers or other approved accents or designs.
- (4) The front entrance of all buildings must be easily and safely accessible to pedestrians from the public sidewalk through a combination of pedestrian walkways and crosswalks. All entrances to crosswalks and sidewalks must include wheelchair ramps, per code.
- (5) Covered sidewalks that are a part of the building and that are located within the buildable area of the lot are encouraged. Such covered sidewalks may be used for outdoor seating and dining, and as terraces and arcades.
- (6) In multi-tenant retail buildings, a continuous, unimpeded walkway must be provided to connect all business entrances.
- (7) Sidewalks must conform to the following:
  - a. Sidewalks must be paved using concrete or alternative pervious material as approved by city staff.
  - b. Where a sidewalk exists conforming to the standards of this ordinance except for the width, the developer must supplement the existing sidewalk width, adding width to create a 12-foot sidewalk.
  - c. Streetscaping performed as a function of city-initiated redevelopment must provide a landscape area at least six feet in depth.
- (8) Lighting must conform to the following:
  - a. Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees, in accordance with the Georgia Power Area-Wide Pedestrian Lighting Plan.

- b. Pole height may not exceed 15 feet.
  - c. Light poles and lamps must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.
- (9) Furniture must be provided as follows:
- a. Benches and trash and recycling receptacles must be installed every 250 feet along the public street and at each building entrance adjacent to a pedestrian walkway.
  - b. Furniture must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.
- (1) Maintenance of trash and recycling receptacles, including servicing, repair, and replacement, is the full responsibility of the nearest adjacent property owner.
- (2) Recycling receptacles must be clearly identified with symbols and/or text indicating its intended use for recyclables.
- (j) Public areas, service areas and retaining walls.
- (1) Public plazas and outdoor dining areas must be easily accessible to pedestrians and provide protection from vehicular traffic by means of their location and design.
- (2) All dumpsters and other building service areas must be concealed from view of public rights-of-way, publicly accessible areas of the site and residential zoning districts. All dumpsters must be concealed with secured gates screening in accordance with section 27-231.
- (3) Retaining walls must comply with the city building code. Visible areas of retaining wall must be covered with the face brick or stone of the downhill neighbor with a roll lock at the top. Horizontal wall expanses exceeding 20 feet must include offset pilasters with the same brick or stone rising three courses above the top of the adjoining wall and finished with a double course capital of the same brick or stone.
- (4) All utilities must be placed underground.
- (k) Village core area. The village core area form and design regulations of this subsection apply within designated village core area of the DV-O district to all new buildings. The regulations also apply to renovations of and additions to existing buildings within the village core area that result in an increase of 50 percent or more in the building' gross floor area. These requirements govern in the event of conflict with other DV-O district regulations.
- (1) Build-to-zone.
- a. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum yard (setback) range from the edge of the right-of-way. The requirements are as follows:

Build-to-Zone	
Minimum/maximum (feet)	0/10
Minimum percent of building in build-to-zone (percent)	80
Parking Setback	

Minimum (feet)	30
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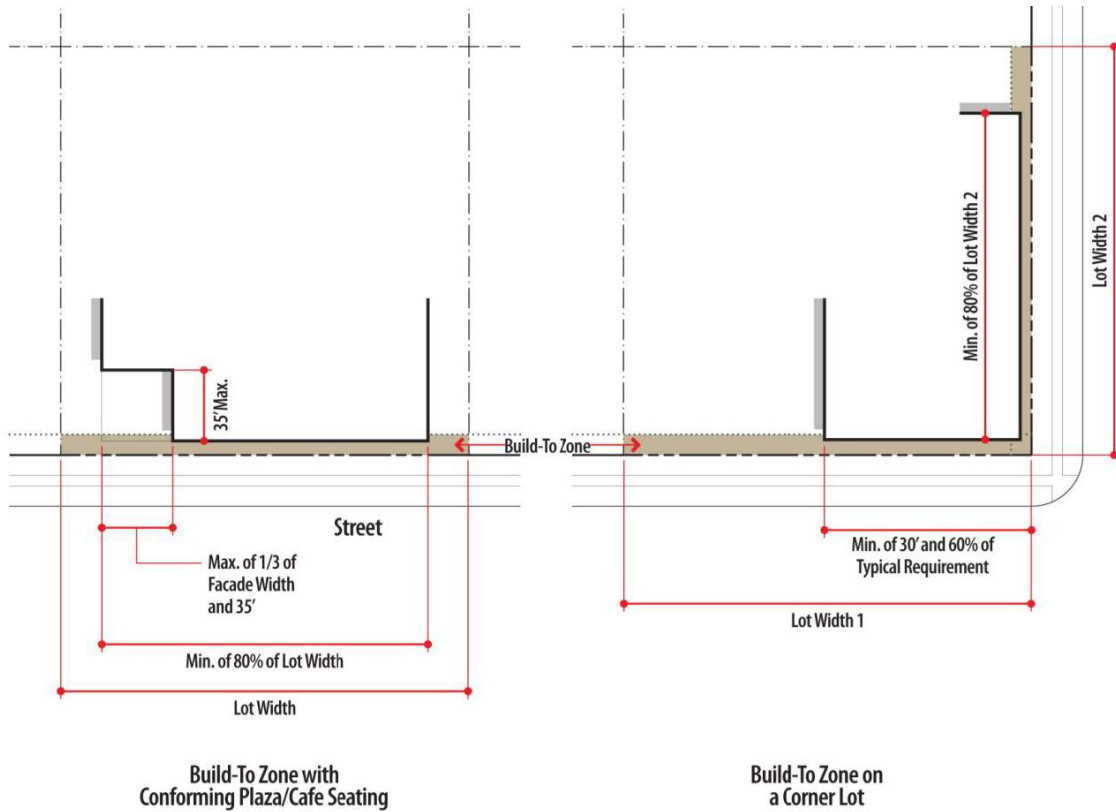
- b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, based on the width of the front building facade divided by the width of the lot.

Figure 7-1: Build-to-Zone (BTZ)



- c. Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
  - 1. The area does not exceed one-third the length of the building face or 35 feet, whichever is less; and
  - 2. The area is no more than 35 feet in depth (see Figure 7-2).

Figure 7-2: BTZ with allowed plaza (left) and BTZ on corner lot (right)



- d. On corner lots, minimum requirements governing the percent of building facade that must be located in the build-to-zone may be reduced by 60 percent along one of the frontages, at the property owner's option, provided that a building facade must be placed in the build-to zone for the first 30 feet along each street extending from the corner (the intersection of the build-to-zones) (see Figure 7-2).

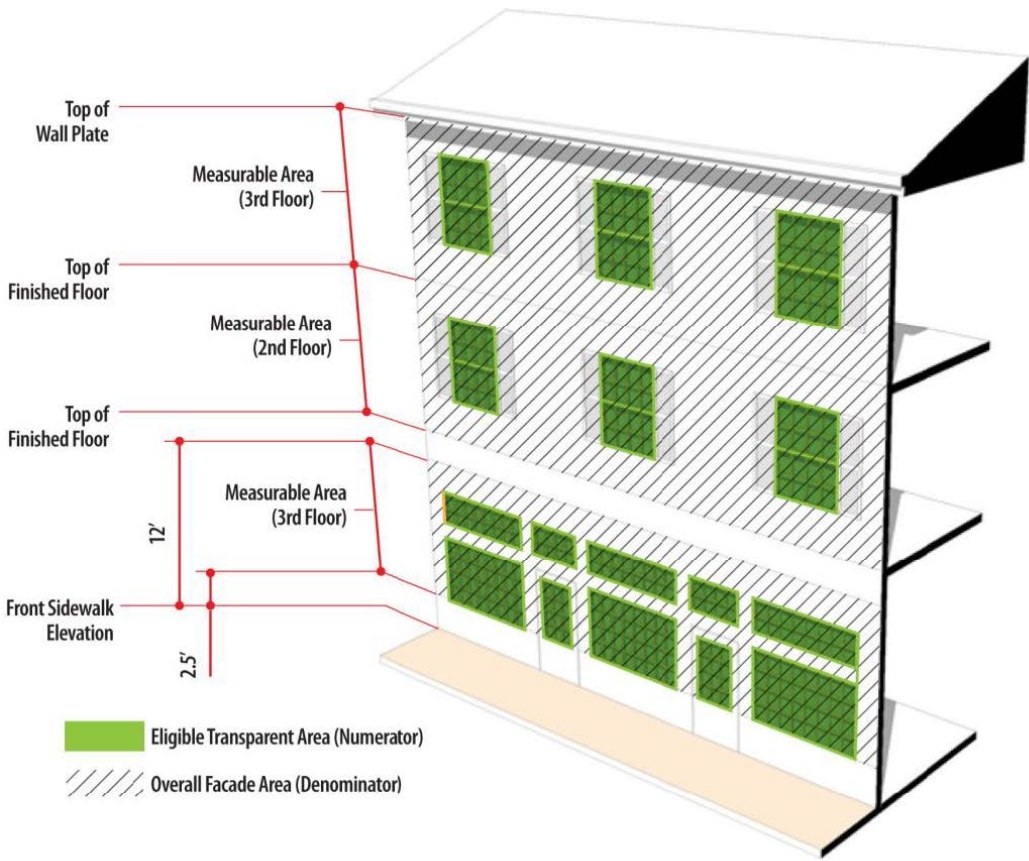
(2) Transparency.

- a. Transparency regulations govern the percentage of a street-facing building facade that must be covered by glazing (e.g., transparent windows and doors). The minimum requirements are as follows:

Transparency	
Minimum ground story (%)	65
Minimum upper story (%)	20

- b. The transparency of a ground story facade is measured between 2.5 and 12 feet above the adjacent sidewalk.
- c. The transparency of an upper-story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story transparency is measured from the top of the finished floor to the top of the wall plate (see Figure 7-3).

Figure 7-3: Transparency Measurements



- d. Glazed element must be clear and non-reflective and not be painted or tinted, provided that low-emission (Low-E) glass coatings are permitted.
- (3) Blank wall area.
  - a. Blank walls are areas on the exterior facade of a building that do not include a substantial material change; windows or doors; columns, pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established as follows:

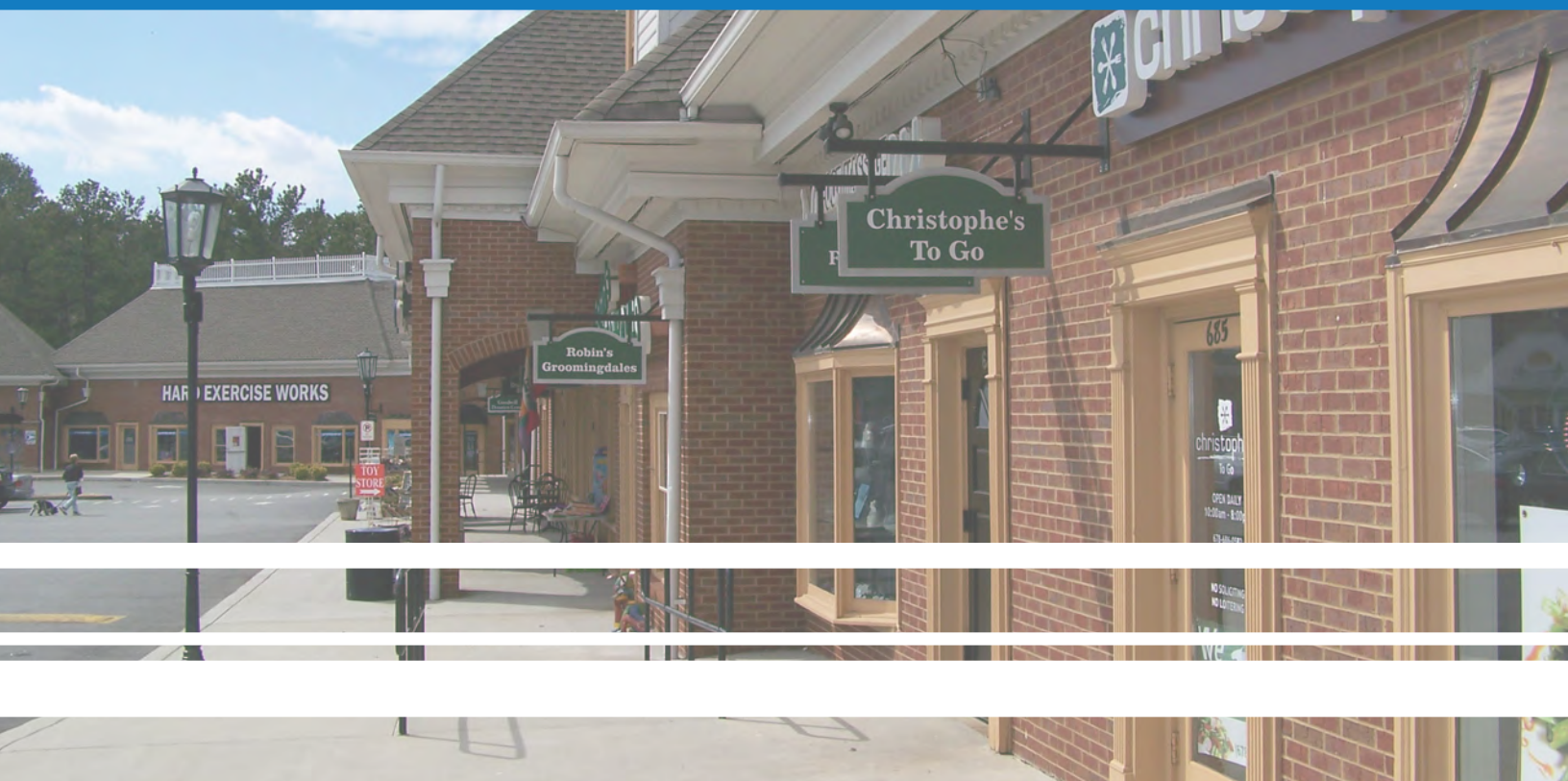
Maximum blank wall length (feet)	20
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- b. Blank wall area regulations apply in both a vertical and horizontal direction.
- (4) Street-facing building entrances. At least one street-facing building entrance must be provided on all principal buildings. The building entrance must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.

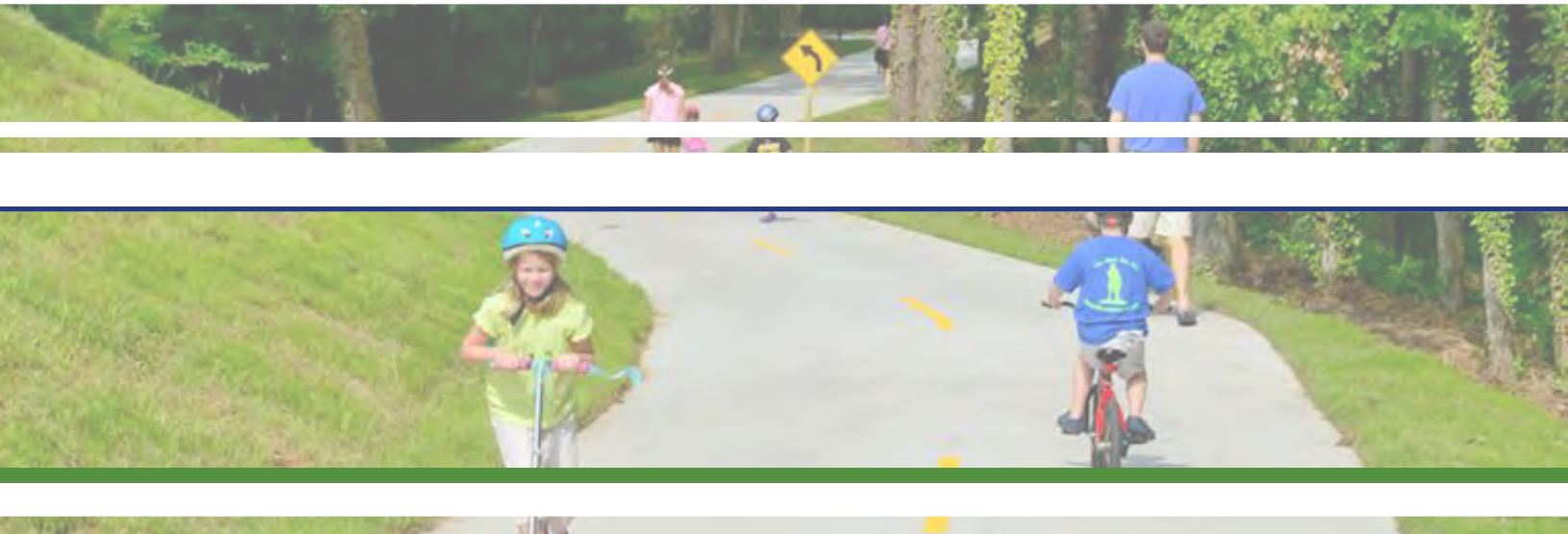
- (l) Modifications and adjustments. The regulations of subsections (e) through (k) may be modified only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-7.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015)

Secs. 27-98—27-110. - Reserved.



# CITY OF DUNWOODY 2015-2035 COMPREHENSIVE PLAN



## DUNWOODY VILLAGE

### Vision/Intent

Dunwoody Village has historically been the “heart” of Dunwoody. A master planning process established a detailed vision for this center of the community, focused on pedestrian and bicycle amenities, functional public open space, a multi-modal transportation environment, architectural controls, connectivity and place making. A sense of history will add to the charm and sense of place. This area envisions a “village green” with civic activities and amenities, and redevelopment will draw community members to shopping, dining and entertainment. Furthermore, redevelopment should have a residential component for day and evening activity to foster community. The design should embody the unique character of Dunwoody.

### Future Development

**Form:** Master planned design, high quality building materials, civic amenities, integrated open space and appropriate transitions from greater to less intense uses. The periphery of the character area will include a large transitional area to adequately protect single-family residential and other residential homes in the area.

**Use (see Future Land Use Map):** Mixed-Use (containing a mix of office, retail and residential, including both either vertical or horizontal mixed-use through the district), townhomes, other owner-occupied housing, live-work units, civic institutional, community retail (not greater than 50,000 square feet per tenant space), local and unique business, boutique retail, public assembly and entertainment.



FIGURE 6: Dunwoody Village Character Area Map



▲ Food Market in Dunwoody Village



▲ Local Shops

## Action Items

- Create an active community center with public places to gather, following a master planning process that potentially supports a redevelopment investment program.
- Establish way-finding or landmark features that unify the Village and can be used across the City, if a way-finding or gateway plan does not already exist for the greater City as a whole.
- Regularly review the Dunwoody Village Overlay to ensure enforcement meets intent of Overlay and Character Area vision.
- Creatively address the parking and congestion that new local activity may generate.
- Identify solutions for structural parking.
- Establish bicycle network for new connectivity throughout the City so that “all roads lead to the Village.”
- Establish infrastructure thresholds that new development must meet.
- Complete site location evaluation and financing plan locating City Hall, Police and other civic functions, including options for joint public-private partnership. Note that the Georgetown area is also being considered as a possible location of City Hall.
- Create venues for cultural events like music and create programs for public uses of City Hall and library.
- For detailed circulation and open space recommendations concerning the Dunwoody Village character area, see the Dunwoody Village Master Plan.
- Pursue the creation of a central green space and alternatives for acquiring that space.

## REDEVELOPMENT WITH OPEN SPACE

Several regional examples of redevelopment with open space were referenced during Community Meeting discussions about Dunwoody Village. The City of Smyrna allows higher buildings adjacent to the plaza at the Market Village. The City of Dunwoody envisions similar development and rules whereby densities may increase, contingent upon the provision of amenities (open space, plazas, etc.) or development features.



FIGURE 7: Dunwoody Village Master Plan

## 2.5 FUTURE LAND USE

The Future Land Use Map like the Character Areas map is a **visual representation of the City's future development policy**. Interpretation of the map is provided in the supporting text to be considered along with the City's zoning, the Character Areas Map, and other local policies when decision-makers consider land development questions or requests.

FIGURE 16: Future Land Uses Table

	LAND USE	DESCRIPTION	ZONING CATEGORIES
	Single Dwelling Residential	The predominant use of land is for single-family dwelling units, including detached, semi-attached or duplexes.	R- districts (R-150, R-100, R-85, R-75, R-60, R-50, RA, RA-5, RA-8, R-CD, R-CH)
	Multi-dwelling Residential - Apartments	The predominant use of land is for multi-family dwelling units, typically 12 units per acre or more.	RM- districts (RM-150, RM-100, RM-85, RM-75, RM-HD)
	Multi-dwelling Residential - Other	The predominant use of land is for multi-dwelling units, 3 or more units attached, including townhouses and condominiums.	RM- districts (RM-150, RM-100, RM-85, RM-75, and RM-HD)
	Commercial	Land dedicated to non-industrial business uses, including retail sales, office, service, and entertainment facilities. Accessory commercial uses may be located as a single use in one building or grouped together in a shopping center or office building.	O-I, O-I-T, C-1, C-2, NS, O-D
	Public/ Institutional	Government uses at all levels, and institutional land uses. Government uses include City Hall, police and fire stations, libraries, post offices, schools, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals, etc. Does not include facilities that are publicly owned, but would be classified more accurately in another land use category. For example, publicly owned parks and/or recreational facilities are classified under park/ recreation/conservation category; and general office buildings containing government offices (such as the current Dunwoody City Hall) are included in the commercial category.	Any zoning district.

	LAND USE	DESCRIPTION	ZONING CATEGORIES
	Transportation/ Communication/ Utilities	Major transportation routes, public transit stations, power generation plants, railroad facilities, radio towers, telephone switching stations, airports, port facilities or other similar uses.	Any zoning district, subject to applicable zoning restrictions.
	Parks/ Recreation/ Conservation - Public	Land dedicated to active or passive recreational uses held in public ownership or land trust. These areas may include playgrounds, public parks, nature preserves, community centers or similar uses.	Any zoning district.
	Parks/ Recreation/ Conservation - Private	Land dedicated to active or passive recreational uses in private ownership. These areas may include subdivision recreation areas, golf courses, swim and tennis centers, or similar uses.	Any zoning district.
	Mixed Use	A mixture of uses on the same parcel, vertical (same building) or horizontal (different buildings). Typically this is made up of a combination of commercial and residential uses, but could include a mix of other uses as well.	OCR, PD, CR-1
	Perimeter Center	Livable regional center with office, retail, mixed-use, and multi-use residential buildings.	Draft PC-1, PC-2, PC-3 and PC-4 Districts

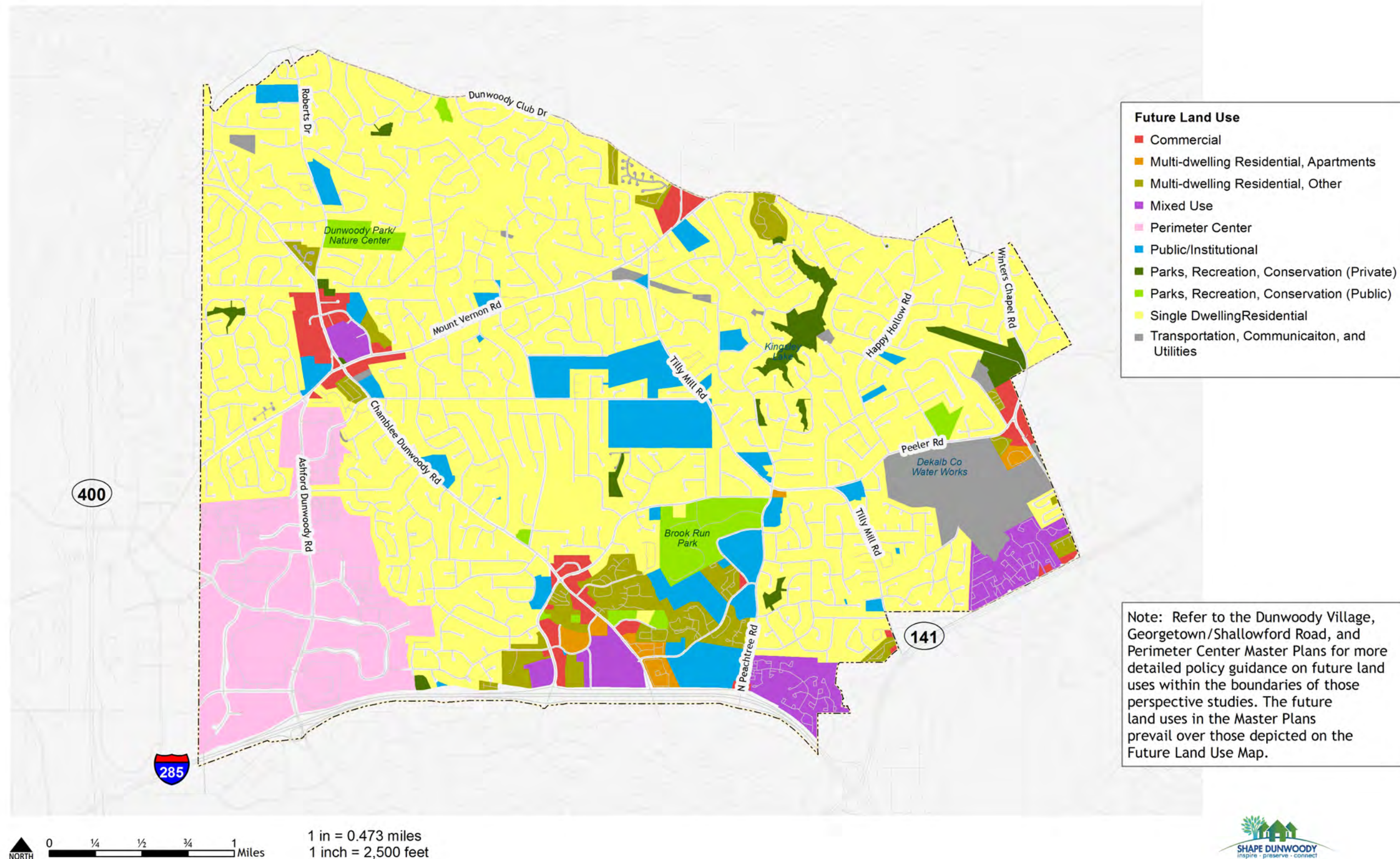


FIGURE 17: Future Land Use Map



## LAND USE FRAMEWORK PLAN

The Land Use Framework Plan is intended to guide future redevelopment and community improvements within the Master Plan area over the next 10-20 years. The Dunwoody Village encompasses over 150 acres of property. Based upon current real estate market conditions and the significant amount of existing retail and office space within the Dunwoody Village, it is unlikely that large portions of the Village could experience redevelopment in the short-term (next 3-5 years).

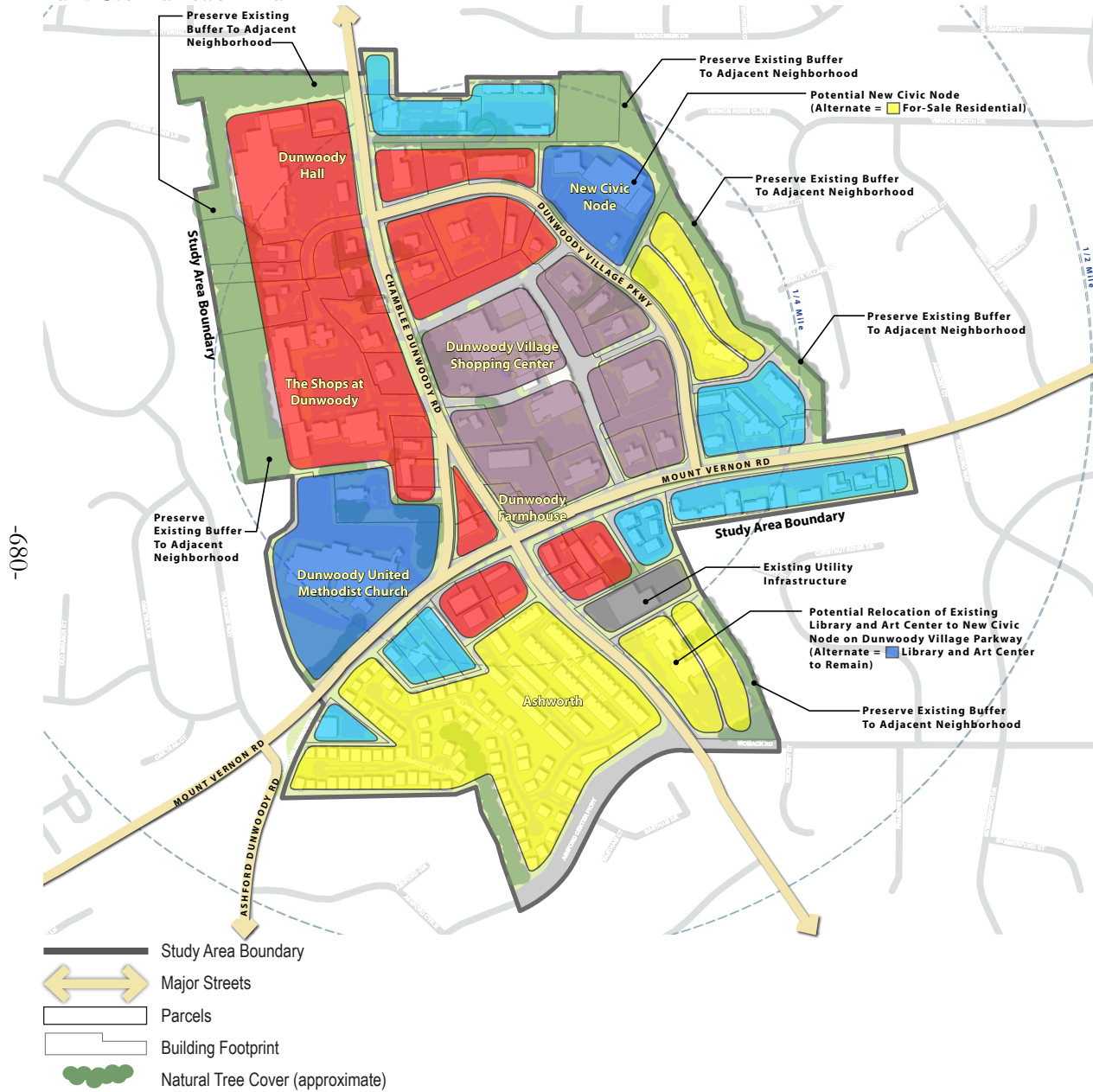
Additionally, a number of properties have multiple owners (office condominiums), are stable institutions or are higher performing retail properties and are unlikely to change in the short- to mid-term. These properties include the Ashworth neighborhood, Dunwoody United Methodist Church, The Shops at Dunwoody, Dunwoody Hall, and a series of office condos on the north side of the study area and along Mount Vernon Road. While some of these properties may need some upkeep and improvement, other areas within the Village exhibit lower levels of activity, rents, and occupancies. These areas are outlined in previous sections of this report related to Activity and Redevelopment Potential.

The land use framework plan seeks to create a 20-year vision for community improvement and redevelopment in areas that are most likely or most susceptible to change. Consistent with the community consensus points the Land Use Framework Plan seeks to:

- Create a more vibrant Village Center including a focal point community green space
- Encourage more compact development forms that promote walkability, but are appropriately sized and scaled to maintain and enhance the area's unique character and identity
- Maintain and enhance convenience retail centers that provide daily goods and services for nearby residents
- "Prune" lower performing retail and office sites over time to improve the area's market fundamentals and visual appeal of the Village
- Allow for modest residential development to enhance walkability and enliven the Village, but in doing so, encourage high-quality, owner-occupied units targeted at empty nesters and active adults

The following sections outline key strategies and recommendations for various districts within the Dunwoody Village Land Use Framework Plan.

## Land Use Framework Plan



### DUNWOODY VILLAGE DISTRICTS

- NEIGHBORHOOD & CONVENIENCE RETAIL:**
- Primarily existing retail/commercial
  - Limited professional office
  - Limited opportunity for new development
  - Facade / tenant upgrades over time
  - Internal landscape / pedestrian / site improvements over time (private)
  - Generally 1-2 story development
- SMALL-SCALE OFFICE:**
- Existing office space
  - Limited opportunity for new development
  - Facade / tenant upgrades over time
  - Internal landscape / pedestrian / site improvements over time (private)
  - Primarily 1-2 story development (third level of occupied space in some existing buildings)
- CIVIC / INSTITUTIONAL:**
- Existing civic / institutional uses (Dunwoody United Methodist Church)
  - Opportunity for new Civic Node
    - New "town green / plaza" (0.5-1.0 acres)
    - Potential new Municipal Complex
    - Potential relocation of existing Library & Arts Center (from Chamblee Dunwoody Road)
    - Potential new civic uses
    - 1-3 story development
    - Potential supporting retail / office (small-scale 1-2 stories)
  - NOTE: See separate detailed site concept
- FOR-SALE RESIDENTIAL:**
- Existing townhomes and small-lot single-family (Ashworth)
  - Opportunity for new development (Chamblee Dunwoody Road site & Dunwoody Village Parkway site)
    - 10 to 12 units per acre
    - 2 to 3 stories with private garages
    - Age-targeted (empty nesters)
    - Large units (greater than 2,000 sq. ft.)
    - For-sale product
    - Preserve existing buffers
    - High-quality design / materials
- VILLAGE CENTER MIXED-USE:**
- Existing Village commercial
  - Preservation of Cheek-Spruill Farmhouse
  - Preservation of Fresh Market and Walgreens
  - Significant opportunity for redevelopment (multiple sites)
    - New "town green" (1.5-2.0 acres)
    - New internal street grid
    - "Walkable" storefront character
    - Potential new storefront retail / office
    - Potential for-sale loft housing over ground-floor commercial (40-80 units)
    - Age-targeted housing (empty nesters)
    - Large units (greater than 2,000 sq. ft.)
    - Generally for-sale product
    - Primarily 2-3 story development
    - High-quality design / materials (compatible with Village aesthetic)
  - NOTE: See separate detailed site concepts



## NEIGHBORHOOD/CONVENIENCE RETAIL

Neighborhood retail centers that meet the daily needs of nearby residents and workers are one of the mainstays of the Dunwoody Village. Under this plan there should be incentives for façade, landscape, and streetscape enhancements to improve the appearance and accessibility of commercial properties primarily along the west side of Chamblee Dunwoody Road and the north end of Dunwoody Village Parkway. However, these shopping areas including Dunwoody Hall, the Shops at Dunwoody, and smaller parcels at the intersection of Chamblee Dunwoody Road and Mount Vernon Road will likely remain retail uses with some limited, storefront offices. Neighborhood/convenience retail areas should maintain consistency with the Dunwoody Village's traditional architectural character.

To enhance neighborhood retail areas the City of Dunwoody should consider:

- A façade and landscape improvement program
- Updating Chamblee Dunwoody Road, Mount Vernon Road, and Dunwoody Village Parkway streetscape requirements to be consistent with those planned in the Circulation and Open Space Framework Plan
- Reviewing the City's site design standards to encourage any redevelopment to address the street by placing buildings at the back of sidewalk and placing parking behind or to the side, screened from public right-of-way
- Enhancing the pedestrian environment by requiring pedestrian sidewalks/paths from major roadways to developments and enhancing parking lot landscaping where appropriate
- Encouraging (or requiring) inter-parcel connectivity and limit curb cuts to major roadways (Mount Vernon Road, Chamblee Dunwoody Road, and Dunwoody Village Parkway) as part of significant development or redevelopment efforts
- Reviewing the City's sign ordinance to ensure that it promotes the installation of low, traditionally styled, high-quality signage and does not serve as a disincentive that results in older, deteriorating signage remaining in place

## SMALL-SCALE OFFICE

One of the unique features of the Dunwoody Village is a collection of smaller-scale, Williamsburg-esqe office condos. These small scale office facilities are located along the southern edge of Mount Vernon Road between Ashford Dunwoody Road and Wickford Way, at the intersection of Mount Vernon Road and Dunwoody Village Parkway, and along Center Drive at the northernmost end of the Village. As office condos with multiple owners that reinforce the traditional character of the Village, these facilities are unlikely to change over the short- and mid-term. Similar to neighborhood/convenience retail areas, façade and landscape improvements should be undertaken as opportunities arise in keeping with the Village's traditional architectural character.

Maintaining small scale office opportunities is important to maintaining the unique, local character of the Dunwoody Village. However, pruning lower performing office buildings over time will help the Village Center be a more viable location for local businesses. As opportunities arise, low visibility, lower performing, stand-alone office (marked by lower rental rates and higher vacancies) should be removed from inventory over modest reinvestments that will only prolong consolidation and redevelopment.

-682-

38 Section 2: Vision &amp; Framework Plan

## Circulation and Open Space Framework Plan



### DUNWOODY VILLAGE CIRCULATION & OPEN SPACE INITIATIVES

- OPEN SPACES:**
  - "Town Green" - 1.5 to 2.0 acres (NOTE: location and layout TBD)
  - "Civic Green" - 0.5 to 1.0 acres
  - Farmhouse Green
  - Chamblee Dunwoody Road & Womack Pocket Park (if property is renovated/redeveloped)
  - The Shops at Dunwoody Plaza (private)
- PEDESTRIAN PATHS / TRAILS:**
  - 12-15 feet wide
  - Multi-use for pedestrians and recreational bikers (not bicycle commuters)
  - Some in public right of way, some on private property (with easements)
  - Potential trailheads connecting to adjacent neighborhoods (secured access to be further explored) (NOTE: Will require detailed discussions with affected neighborhoods and existing property owners to determine feasibility and exact locations)
- STREETSCAPE IMPROVEMENTS:**
  - Sidewalks, decorative lighting, street trees, mast arms, access management, landscaping, and on-street bike routes (dedicated lane on Dunwoody Village Parkway)
  - Chamblee Dunwoody Road
  - Mount Vernon Road
  - Dunwoody Village Parkway
  - Ashford Center Parkway
- INTERSECTION IMPROVEMENTS:**
  - Decorative Pedestrian Crossings
  - Pedestrian Signalization if warranted
  - Operational Improvements (Chamblee Dunwoody Road signalization changes associated with change to Nandina Lane)
- NEW VILLAGE CENTER STREET GRID:**
  - New roads to break up super block (associated with new development) (NOTE: location and layout TBD)
  - Roads may be public or private (TBD)
  - Pedestrian oriented streets
  - Operational Improvements
- ACCESS MANAGEMENT IMPROVEMENTS:**
  - Operational & access improvements to Chamblee Dunwoody Road north of Mount Vernon Road
  - Potential signal timing, reduced / consolidated curb-cuts, interparcel connectivity enhancements, etc. (requires additional detailed study)
- NANDINA LANE RECONFIGURATION:**
  - Conversion of Nandina to one-way (southbound)
  - Requires adjustments to operation of Chamblee Dunwoody Road & Mount Vernon Road intersection (requires additional detailed study)
  - Consider long-term removal

### Dunwoody Village Master Plan

Urban Collage, Inc. | Houseal Lavigne Associates | RCLCO | Kimley-Horn and Associates, Inc. | Market + Main, Inc.



## 684 OPEN SPACE

As detailed in the Village Center description in the last section, the centerpiece of the proposed, walkable Village Center is a Village Green Space. The primary goal is to create an appropriately scaled community gathering space as a focal point of the Village Center. The Planning Team's recommended 1.5 to 2 acre open space would accommodate community gatherings of up to 10,000 or more if adjacent streets are designed in a manner that they can be closed for larger events.

The Village Green should be visible from and/or linked to each of the Village's major streets (Mount Vernon Road, Chamblee Dunwoody Road, and Dunwoody Village Parkway) through sidewalks, multi-use trails, and significant landscaping. The Green should also be linked to the Farmhouse via a pedestrian path and enhanced landscaping.

The most significant design challenge for the space is to create an open space that is large enough to accommodate community gatherings without feeling oversized and empty when not in use. To best meet this challenge, the green space must be designed in conjunction with surrounding redevelopment and utilize a variety of materials to create sub-areas. The space should include a combination of hardscape plazas and open green spaces to provide variety and flexibility to comfortably accommodate a variety of groups (from small gatherings to large events). The space is intended to be passive in nature and not a location for active recreation (playgrounds, athletics, etc.).

Other open space opportunities within the Dunwoody Village include maintaining and enhancing green spaces and mature trees that surround the Farmhouse, a more formal "civic green space" of ½ to 1 acre that should accompany the development or relocation of any civic facility into the Dunwoody Village, and encouraging enhanced community green space as a part of major, private redevelopment/improvement projects.

Any public or private redevelopment or major improvement property improvement project should be accompanied with landscape and green space improvements. The Planning Team recommends that the district's zoning classification be reviewed to encourage the creation and enhancement of smaller green spaces, provide street trees along major roadways and entries, and provide landscape islands and trees within surface parking areas. Generally these smaller open spaces should be used to create focal points within redevelopment projects and be bordered on at least one side by a public roadway where reasonable to enhance visibility and safety. If the City were to reposition the current Library/Arts Center site at Chamblee Dunwoody Road and Womack/Ashford Center Parkway, a landscaped area or pocket park should be considered on the northeast corner of the intersection as a gateway into the Dunwoody Village.

## NEW ROADWAYS

Integral to enhancing the character of and enhancing walkability in the Dunwoody Village is breaking up the superblock bounded by Mount Vernon Road, Chamblee Dunwoody Road, and Dunwoody Village Parkway. The Dunwoody Village Master Plan calls for two new east-west connections between Chamblee Dunwoody Road and Dunwoody Village Parkway and one north-south connection through the block. These internal roadways should be local, low-speed streets with shared bicycle lanes on-street, on-street parking, landscape buffers (4-6 feet recommended), street trees, lighting and wide pedestrian sidewalks (8-12 feet in width recommended).

The internal street grid is proposed to enhance access, visibility, and walkability providing multiple options for cars, bicycles, and pedestrians alike. These roadways would also alleviate some pressure on the Mount Vernon Road/Chamblee Dunwoody Road intersection and Chamblee Dunwoody Road between Mount Vernon Road and Dunwoody Village Parkway as they would provide options for low circulation. Internal streets will reduce the opportunity to have the “back side” of buildings exposed to public right-of-way and reduce expanses of surface parking lots.





-686-

## TRAFFIC ENHANCEMENTS

Congestion at the Mount Vernon Road and Chamblee Dunwoody Road intersection, in combination with Nandina Lane, inhibits travel to and through the Village on a daily basis. Particularly during afternoon peak hours, delay at the intersection can back traffic for expansive distances in all directions. Roadway expansions to improve capacity are not supported by the community and would not reinforce the character of the Dunwoody Village. Adjustments are necessary however, to better manage the intersection and enhance safety.

While some inventive concepts have been proposed for the intersection (two-lane roundabouts, bypasses, etc.), the Planning Team recommends a series of more modest improvements including modifications to Nandina Lane and enhanced traffic signal timing of this and all nearby traffic signals.

Left-turn movements onto and out of Nandina Lane create operational and safety conflicts due to their close proximity to the major intersection of Chamblee Dunwoody Road and Mount Vernon Road. This project would involve operationally changing

the intersections at both ends of Nandina Lane to become right-in-right-out only. This may result in needing turn lane reconfigurations at the primary intersection (to be determined by a future traffic study); however, the net result will yield better efficiency and safety within the proximity of this area. This project will also include replacing the existing span wire signals with decorative mast arms and utilizing countdown pedestrian signals and well-marked crosswalks. Over the long-term, Nandina Lane should be further studied as a one-way southbound street or eliminated.

One of the largest challenges for the Dunwoody Village is the high volume of traffic passing through the area along the major corridors of Mount Vernon Road and Chamblee Dunwoody Road. Much of this traffic is regional in nature resulting from traffic patterns that extend well beyond the district. It is unlikely that this traffic can be rerouted, so improving operational efficiency along the major corridors is paramount. Operational improvements can be made by evaluating signal timings and linking signals together to coordinate timings and achieve positive progression. This effort would involve a more detailed traffic study that evaluates the network of signals in and around the Dunwoody Village.

As part of any improvement project, access management along Chamblee Dunwoody Road and all major roadways in the Dunwoody Village area should be considered. Part of the traffic congestion problem in the area is the number of curb cuts and potential conflict points along major roadways. Any future redevelopment and/or streetscape project should consider reducing the number of curb cuts and directing as many turning movements as possible into a limited number of intersections and access points.



## STREETSCAPE IMPROVEMENTS

To enhance walkability within Dunwoody Village pedestrian facilities (sidewalks, ramps, crossings) and the pedestrian environment (storefronts, lighting, benches, trash receptacles, etc.) must both be improved. Four significant streetscape (sidewalk, landscape, and lighting) projects are recommended for the Dunwoody Village.



Enhancements to Dunwoody Village Parkway are under design as part of a Transportation Enhancement Grant awarded to the City. Elements of the plan include:

- Reduction in the number of travel lanes from 2 in each direction to 1 northbound and 1 southbound lane
- On-street bicycle lanes
- Landscape buffers 6-feet in width between travel lanes and sidewalks
- Street trees, pedestrian lighting, and roadway lighting within the landscape buffer
- 6-foot wide sidewalks in the short-term with potential to widen to 12-feet as part of future improvements and/or redevelopment
- Flexibility to add on-street parking on the west side of Dunwoody Village Parkway as part of future park development and/or private redevelopment

With future enhancements, efforts should be made to reduce the number of curb cuts along the roadway to limit potential conflict points between motorized vehicles, bicycles, and pedestrians.

Streetscape improvements should be undertaken for Chamblee Dunwoody Road in two phases. The first phase would improve the roadway from Mount Vernon Road to Roberts Drive (approximately 2,700 linear feet). Elements should include:

- Landscape buffers no less than 4 feet in width and preferably 6 feet in width between the roadway and pedestrian sidewalks
- Street trees, pedestrian lighting, and roadway lighting within the landscape buffer
- Wider sidewalks no less than 8 feet in width, preferably 10-12 feet wide
- Off-street bicycle facility on one side of the street (5-foot dedicated path or as part of a 12-foot multi-use path)
- Intersection enhancements including new mast arm traffic signals, pedestrian signals, high visibility crosswalks, and ADA Ramp improvements where necessary
- Removal of overhead utility lines and replace with underground utility lines
- Access management considerations to reduce and limit curb cuts and potential conflict areas along the corridor



The second phase of streetscape improvements along Chamblee Dunwoody Road (approximately 1,300 linear feet) should include the area from Mount Vernon Road south to Ashford Center Parkway.

- Landscape buffers no less than 4 feet in width between the roadway and pedestrian sidewalks
- Street trees, pedestrian lighting, and roadway lighting within the landscape buffer
- Wider sidewalks no less than 8 feet in width,
- Off-street bicycle facility on one side of the street as part of a 12-foot multi-use path
- Intersection enhancements including new mast arm traffic signals, pedestrian signals, high visibility crosswalks, and ADA Ramp improvements where necessary
- Removal of overhead utility lines and replace with underground utility lines

Multi-modal improvements along Mount Vernon Road from Ashford Dunwoody Road to Wickford Way (approximately 3,500 linear feet) should include:

- Landscape buffers no less than 4 feet in width and preferably 6 feet in width between the roadway and pedestrian sidewalks
- Street trees, pedestrian lighting, and roadway lighting within the landscape buffer
- Wider sidewalks no less than 8 feet in width, preferably 10-12 feet wide adjacent to the proposed Village Center
- Off-street bicycle facility on one side of the street (5-foot dedicated path or as part of a 12-foot multi-use path on the north side of Mount Vernon Road)
- Intersection enhancements including new mast arm traffic signals, pedestrian signals, high visibility crosswalks, and ADA Ramp improvements where necessary
- Removal of overhead utility lines and replace with underground utility lines
- Access management considerations to reduce and limit curb cuts and potential conflict areas along the corridor

Finally, pedestrian and bicycle enhancements on Ashford Center Parkway and/or Womack Road should consider:

- On-street bicycle lanes or shared lanes
- Landscape buffers no less than 4 feet in width between the roadway and pedestrian sidewalks
- Street trees, pedestrian lighting, and roadway lighting within the landscape buffer
- Wider sidewalks along both sides of major roadways no less than 6 feet in width
- Intersection enhancements including new mast arm traffic signals, pedestrian signals, high visibility crosswalks, and ADA Ramp improvements where necessary
- Extension of the Ashford Center Parkway median when and where feasible

## BICYCLE ROUTES

A combination of on-street and off-street bicycle routes will be necessary to enhance the ability of bicycles to traverse the area more easily. On-street bicycle routes should be included on Dunwoody Village Parkway and as part of new internal street grid through the Village Center. On-street bicycle lanes should be 5 feet in width to meet AASHTO standards.

Off-street bicycle lanes should be considered as part of multi-use trails on one side of Mount Vernon Road and Chamblee Dunwoody Road due to high traffic volumes, the number of conflicts, and other safety concerns. Multi-use paths are typically 12-15 feet in width on one side of a street and accommodate pedestrians (runners/joggers), recreational bicyclists, and sometimes electric carts and/or other devices. Alternatively, dedicated off-street bicycle lanes between landscape buffers and pedestrian sidewalks should be 8 feet or greater in width.

These bicycle routes should be tied into a Citywide network of bicycle facilities in coordination with the City's Comprehensive Transportation Plan.



## MULTI-USE PATHS/TRAILS

To further enhance connectivity to and from the Dunwoody Village, multi-use paths and trails should be considered, if desired by adjacent neighborhoods, to connect surrounding single-family neighborhoods to the Village. These paths would be 12-15 feet wide to accommodate pedestrians, bicycles, and potentially electric-carts (golf carts) or other devices. Trails would require cooperation within the neighborhoods to determine a proper location and property easements for the City to assist with construction of the path. The City of Dunwoody should consider a policy regarding these paths if individual neighborhoods desire their implementation.

Based upon public involvement in the Dunwoody Village Master Plan, potential priority locations for off-street multi-use trails include:

- A dedicated east-west path through the Village Center in conjunction with the realization of one of the recommended east-west roadways
- Potential links to adjacent neighborhoods (if the neighborhoods desire them and assist in defining the appropriate path):
  - The Branches,
  - Wynterhall,
  - Wyntercreek, and
  - Vernon North.



# AMENDMENT APPLICATION

**FIRST AMENDED**



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

**\* Applicant Information:**

Company Name:	JK Family Trust		
Contact Name:	c/o Dennis J. Webb, Jr., and Vickie B. Chung, Smith, Gambrell & Russell, LLP		
Address:	1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309		
Phone:	404-815-3620	Fax:	404-685-6920
Email:	djwebb@sgrlaw.com		
Pre-application conference date (required):	May 26, 2016		

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

Owner's Name:	JK Family Trust		
Owner's Address:	300 Galleria Parkway, 12th Floor, Atlanta, GA 30339		
Phone:	770-951-2434	Fax:	770-951-0054
Email:	jeff.kerker@tscg.com		

**\* Property Information:**

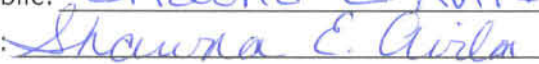
Property Address:	1660 Mount Vernon Hwy.	Parcel ID:	18-366-07-013
Current Zoning Classification:	O-I		
Requested Zoning Classification:	CR-1		

**\* Applicant Affidavit:**

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

Applicant's Name:	Vickie B. Chung		
Applicant's Signature:		Date:	6/30/16

**\* Notary:**

Sworn to and subscribed before me this	30 <sup>th</sup>	Day of	June	, 20	16
Notary Public:	Shawna E. Avila				
Signature:					
My Commission Expires:	3-16-20				



# Additional Property Owner(s) Notarized Certification

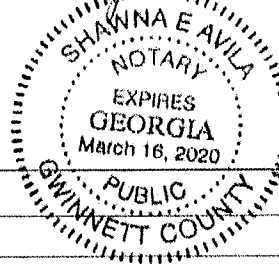


41 Perimeter Center East | Dunwoody, GA 30346  
Phone: (678) 382-6800 | Fax: (770) 396-4828

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

**\* Property Owner (If Applicable):**

Owner Name: JK Family Trust		
Signature: <i>Jeff Kerker</i>	Date: 6-3-16	
Address: 300 Galleria Parkway, 12th Floor, Atlanta, GA 30339		
Phone: 770-955-2434	Fax: 770-951-0054	Email: jeff.kerker@tsce.com
Sworn to and subscribed before me this 3rd Day of June, 2016		
Notary Public: <i>Shawna E. Avila</i>		



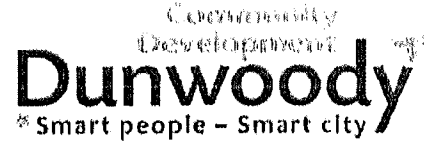
**\* Property Owner (If Applicable):**

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

**\* Property Owner (If Applicable):**

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

# Campaign Disclosure Statement



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

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

☐ YES ☒ NO

\* Applicant / Owner: JK Family Trust

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

Date: 6-3-16

Address: 300 Galleria Parkway, 12th Floor, Atlanta, GA 30339

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

Date	Government Official	Official Position	Description	Amount

## Campaign Disclosure Statement



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Phone: (678) 382-6800 | Fax: (770) 396-4828

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

☐ YES ☒ NO

\* Applicant / Owner: Smith, Gambrell & Russell, LLP

Signature: [Signature] Date: 6/3/14  
Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

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

Date	Government Official	Official Position	Description	Amount

# Campaign Disclosure Statement



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Phone: (678) 382-6800 | Fax: (770) 396-4828

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

\* Applicant / Owner: Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

Signature: [Signature] Date: 6/3/14  
Address: 1230 Peachtree St. NE, Ste. 3100, Atlanta, GA 30309

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

Date	Government Official	Official Position	Description	Amount

## Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

\* Applicant / Owner: Vickie B. Chung, Smith, Gambrell & Russell, LLP

Signature: [Signature] Date: 6-3-16  
Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

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

Date	Government Official	Official Position	Description	Amount

**FIRST AMENDED STATEMENT OF INTENT**

and

Other Material Required by  
City of Dunwoody Zoning Ordinance  
For the  
Rezoning Application  
From O-I to CR-1  
(Application No. RZ-16-081)

of

JK Family Trust

for

±0.82 Acres of Land located in  
Land Lot 366, 18th District

1660 Mount Vernon Road  
Dunwoody, Georgia 30338

Submitted for Applicant by:

Dennis J. Webb, Jr.  
Vickie B. Chung  
Smith, Gambrell & Russell, L.L.P.  
Promenade, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

## **I. INTRODUCTION**

This Application seeks a rezoning for  $\pm$  0.82 acres of land located in Land Lot 366, 18<sup>th</sup> District of DeKalb County (the “Subject Property”). The Subject Property is located at the intersection of Mount Vernon Road and Dunwoody Village Parkway and is located in the Dunwoody Village Overlay District.<sup>1</sup> The Subject Property is designated as “mixed use” under the Dunwoody Comprehensive Plan. The Applicant seeks to rezone the Subject Property from O-I (Office-Institutional) to CR-1 (Commercial Residential Mixed Use) to redevelop an existing bank building into a small-scale shopping center with retail, office, and/or restaurant uses. The Applicant believes that the proposed use is consistent with the City of Dunwoody’s goal of creating a more walkable, connected and energetic commercial core. In particular, the proposed rezoning supports the Dunwoody Village Overlay’s objective of promoting walkable developments containing a complementary mix of land uses, creating gathering spaces in the commercial core of the City, and creating a vibrant shopping and entertainment area.

This document is hereby submitted as a Statement of Intent for the proposed project pursuant to § 27-335 of the City of Dunwoody Zoning Ordinance. This document also is intended to address and substantiate the requisite responses to the “Steinberg Act” O.C.G.A. § 36-67-1, et seq.

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<sup>1</sup> In addition to this rezoning application, the Applicant has also submitted a Special Land Use Permit application to (1) decrease the 12’ sidewalk requirement of Section 27-97(i)(1) of the Code to 6’ on Dunwoody Village Parkway, which is necessary in order to preserve the mature trees on the eastern boundary of the Subject Property; and (2) to reduce the minimum distance requirement of Section 27-97(g)(2) from 30’ to 20’ and allow the existing off-street parking to remain in front of the existing building. Application No. SLUP-16-081.

## II. ZONING HISTORY

The Subject Property is currently zoned O-I. The Comprehensive Land Use Plan designates the Subject Property as being located in the and “Dunwoody Village” Character Area and “Mixed Use” future land use category.

## III. IMPACT ANALYSIS

The proposed rezoning should be approved because it meets all of the criteria of § 27-335(b) of the City’s Zoning Ordinance.

A.

### THE REZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN

The Subject Property is located within the Mixed Use-Dunwoody Village Character Area of the Comprehensive Plan and within the Dunwoody Village Overlay under the Code. The City’s future land use map designates the Subject Property as “Mixed Use.” The Subject Property is not currently in compliance with the Overlay requirements, but the proposed renovation will bring the Subject Property closer to compliance and advance the goals of the Overlay. Furthermore, the proposed redevelopment is entirely consistent with this designation, which encompasses high quality mixed-use developments that provide shopping, dining and other services to community members. In particular, the proposed redevelopment will further the following stated policies of the Comprehensive Plan:

- (a) Promoting redevelopments “focused on pedestrian and bicycle amenities”;
- (b) Promoting redevelopments that will “draw community members to shopping, dining and entertainment”; and

- (c) Promoting mixed-use developments “containing a mix of office, retail and residential, including both either vertical or horizontal mixed-use”

The Subject Property is designated for “Village Center Mixed-Use” under the Dunwoody Village Master Plan. The proposed redevelopment is consistent with this designation and will further the goals of the Dunwoody Village Master Plan, in particular:

- (a) Making the area “safer and more accommodating for pedestrians”; and
- (b) Encouraging “high-quality redevelopment of the underutilized areas, primarily the east, “back” side of Dunwoody Village Shopping Center”; and
- (c) Creating a “more walkable, vibrant Village Center with area appropriate goods and services.”

B.

THE PROPOSED REZONING PERMITS A USE THAT IS SUITABLE IN VIEW  
OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY  
PROPERTIES

The Subject Property is located at the intersection of Mount Vernon Road and Dunwoody Village Parkway and is currently zoned for a bank. As page 7 of the Dunwoody Village Master Plan notes, there are an “astonishing eleven banks” in Dunwoody Village. The proposed redevelopment of the Subject Property will take a property currently zoned for a redundant use and allow for the development of shopping center with diverse uses.

Directly west and directly to the east of the Subject Property are two banks. To the northwest of the Subject Property is the Dunwoody Village Shopping Center. A post office is located directly to the north of the Subject Property and a mix of different offices are to the directly to the south of the Subject Property across Mount Vernon Road. The immediate area

clearly envisions a wide mix of retail, office and commercial uses where community members can work, shop, eat or obtain basic services. The requested rezoning is entirely consistent with and suitable in light of current and future development plans and patterns in the area and would provide complementary services for residents, workers and visitors.

In addition to the above, the intended final appearance of this develop will be consistent with the requirements and intent of the Dunwoody Village Overlay District. The Applicant intends to renovate the existing brick building on the Subject Property with appropriate attention to scale, buffering, setbacks and architectural characteristics of the district. The exterior of the building will be upgraded, and the landscaping, streetscape and sidewalks associated with the proposed redevelopment will also be improved. The Applicant will provide sidewalks on both Mount Vernon Road and Dunwoody Village Road with pedestrian amenities with landscaped open spaces.

C.

THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS  
PRESENTLY ZONED

The Applicant respectfully submits that the Zoning Ordinance of the City of Dunwoody lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards 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 standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State

of Georgia, 1983.

The City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Dunwoody violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of the City of Dunwoody, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect (and every intervening district) is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

Any limitation on the time for presentation of the issues before the City Council who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of

the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

The Zoning Ordinance of the City of Dunwoody is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

D.

THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties and will in fact improve the immediate area. The proposed redevelopment provides a compatible use that supports the existing uses in the area as well as Dunwoody's vision of a livable regional center that is a walkable, high-end, mixed-use environment. Additionally, the proposed use will provide an amenity to passers-by, nearby residents and tenants of nearby offices.

Furthermore, the Applicant has already met with members of the Dunwoody Homeowners Association and Planning staff to ensure that the proposed redevelopment is appropriate for its location. The Applicant will continue to engage with staff and the Dunwoody Homeowner's Association and nearby residents to ensure that the proposed redevelopment is acceptable to the community. Consequently, appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed development.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both “off-site” and “on-site” transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes property line control measures; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Many, if not all, of these devices will be utilized in this Application.

Furthermore, the Applicant will manage the design of the project in a manner which will maintain the overall quality of Dunwoody Village as it relates to architectural design and landscaping to ensure suitability and minimal impact on adjacent uses. This is shown in the proposed design for the Subject Property, which reflects the prevalent use of brick, wood, and earth-tone colors that complement the surrounding area’s architecture. Furthermore, lighting will be focused away from nearby and adjacent properties and the mature landscaping around the property will be preserved. The expanded sidewalks, streetscape and pedestrian-oriented open space that the Applicant will provide will further improve the immediate area.

The proposed shopping center is an appropriate commercial use for Dunwoody Village, which is designated by the City as a character area encouraging high-end mixed-use developments that respect the architectural aesthetic of the surrounding area.

E.

OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND  
DEVELOPMENT OF THE PROPERTY

The Subject Property represents an ideal location for this type of redevelopment, which will contribute services and amenities to a growing commercial corridor. The Comprehensive Plan recognizes Dunwoody Village as the historic “heart” of Dunwoody and encourages redevelopments that contribute to the vibrant mix of shopping, dining and office uses in the area. The proposed redevelopment will do exactly that while respecting the unique architectural heritage of the area. The requested rezoning conforms to the ideals and spirit of the City of Dunwoody’s Zoning Ordinance while developing a practical, useful and marketable development that will redevelop an underutilized property into an asset for the immediate area and the city as a whole.

F.

THE REZONING PROPOSAL WILL NOT 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 rezoning requested.

G.

THE REZONING PROPOSAL WILL NOT RESULT IN A USE THAT WILL OR COULD  
CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,  
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

The proposal for the site in question will have minimal effects on city streets, infrastructure or schools. The 2015-2035 Comprehensive Plan references the specific problem of traffic management, and traffic is of primary concern to both residents and commuters.

Compared to the drive-in bank the Subject Property is currently zoned for, the proposed project will actually decrease traffic.

The Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (Code 820)(subspecialty Shopping Center) was used to calculate vehicle trips for this development. For a roughly 7,000 square foot shopping center, an average of 7 trips is anticipated for the morning weekday peak period and an average of 26 trips is anticipated for the evening weekday peak period. The property is already zoned for a drive-in bank, which is anticipated to have much higher traffic counts than the proposed shopping center (an average of 26 trips for the morning weekday peak period and 54 trips for the evening weekday peak period, for a bank with 10 employees). Therefore, rezoning the Subject Property to allow for a small-scale shopping center would actually decrease traffic counts by approximately 19 trips in the morning weekday peak period and 28 trips in the evening weekday peak period.

There is sufficient utility, water and sewer capacity to supply this site. The proposed redevelopment will have no effect on surrounding schools.

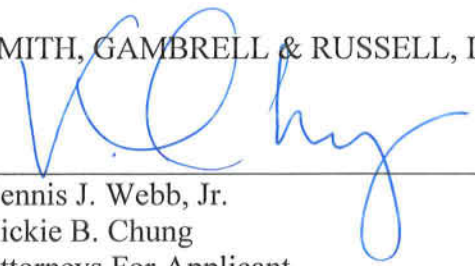
#### **IV. CONCLUSION**

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

This 30<sup>th</sup> day of June, 2016.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, L.L.P.



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Dennis J. Webb, Jr.  
Vickie B. Chung  
Attorneys For Applicant

Promenade II, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

**JK Family Trust**

**SUMMARY OF NEIGHBORHOOD COMMUNICATIONS**

1. *Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified):* We mailed a written notice to all properties owners within 1,000 feet. The mailing list and postcard are attached. We also ran an advertisement in the Dunwoody Crier as required by ordinance. Attached is a copy of that ad.
2. *Meeting location, date and time:* Monday, June 6, 2016 at 7:00 p.m. St. Luke's Presbyterian Church, 1978 Mt. Vernon Rd., Dunwoody, GA
3. *Who was involved in the discussions:* Den Webb and Jeff Kerker presented to the 5 persons in attendance (see attached sign-in sheet)
4. *Suggestions and concerns raised by neighbors:* The application was well received. The neighbors raised no real concerns and indicated they supported all SLUP changes, including the efforts to preserve the existing trees on Dunwoody Village Parkway. They did ask, however, that the applicant limit certain C-1 uses (i.e. "We Buy Gold" type establishments).
5. *What specific changes to the proposal were considered and/or made as a result of the meeting:* See above.

**COMMUNITY MEETING**

**Application to rezone property located at 1660 Mt. Vernon Rd, Dunwoody from Q1 to C-1 for the purpose of redeveloping an existing building for use as a small scale shopping center with restaurant, retail and office uses.**

**Date:** Monday, June 6, 2016  
**Time:** 7:00 p.m. to 8:00 pm  
**Place:** St. Luke's Presbyterian Church  
1978 Mt. Vernon Rd.  
Dunwoody, Georgia 30338

**What is a Community Rezoning Meeting?** Community rezoning meetings are designed to inform the surrounding communities of current rezoning and special use permit applications. It's an opportunity for the community to learn about the proposed project, ask questions, present concerns, and make suggestions.

\*Saint Luke's Presbyterian Church has no interest, material or otherwise, regarding this zoning issue. The use of the facilities of Saint Luke's Presbyterian Church does not imply any relationship to the parties involved.

807/3515362

Schroeder, Harold A.  
Schroeder, Lora E.  
1421 Mockwell Ct.  
Dunwoody, GA 30338-4210

Henderson, Peter  
Henderson, Allison  
1443 Mockwell Ct.  
Dunwoody, GA 30338-4210

Neel, Joseph N. IV  
Neel, Susan O.  
1436 Vernon Village Ct.  
Dunwoody, GA 30338-4220

Anderson, Deborah C.  
1354 Vernon North Dr.  
Dunwoody, GA 30338

Wynn, Mary S.  
Wynn, Edward M. Jr.  
1322 Vernon North Dr.  
Dunwoody, GA 30338-4214

Chang, Ae Sok  
Chang, Su Kil  
1319 Vernon North Dr.  
Dunwoody, GA 30338

Vernon N LLC  
5718 Bend Creek Rd.  
Dunwoody, GA 30338

C Q Dunwoody Village Court LLC  
1532 Dunwoody Village Pkwy #200  
Dunwoody, GA 30338-4136

Collins, Patrick D.  
Collins, Lillian W.  
4178 Chestnut Ridge Dr.  
Dunwoody, GA 30338-4678

Daniels, David A.  
Daniels, Susan D.  
1427 Mockwell Ct.  
Dunwoody, GA 30338-4210

Bhardwaj, Jitender  
Sharma, Pankaj  
1368 Vernon North Dr.  
Dunwoody, GA 30338

Radloff, Robert W.  
Radloff, Debra S.  
1437 Vernon Village Ct.  
Dunwoody, GA 30338-4220

Nall, Terry W.  
Nall, Donna C.  
1344 Vernon North Dr.  
Atlanta, GA 30338-4214

Targovnik, Harris  
Targovnik, Tara  
1314 Vernon North Dr.  
Dunwoody, GA 30338-4214

Stevens, Robert Paul  
Stevens, Dana Morella  
1327 Vernon North Drive  
Dunwoody, GA 30338

Bishop, Michael G.  
Bishop, Cynthia P.  
1351 Vernon North Dr.  
Dunwoody, GA 30338-4213

Scott, Paul J.  
Scott, Pamela L.  
4194 Chestnut Ridge Dr.  
Dunwoody, GA 30338-4678

Alyea, Fred N.  
Alyea, Charlotte  
4170 Chestnut Ridge Dr.  
Dunwoody, GA 30338-4678

Lambert, Jerry S.  
Bunker, Patti L.  
1435 Mockwell Ct.  
Dunwoody, GA 30338-4210

Nettles, David B.  
Nettles Kelly F.  
1442 Vernon Village Ct.  
Dunwoody, GA 30338

Zyla, Marie T.  
Fennell, Robert Sean  
1441 Vernon Village Ct.  
Dunwoody, GA 30338-4220

Gottlieb, Hulda M. Living Trust  
Gottlieb, Hulda M.  
1334 Vernon North Dr.  
Dunwoody, GA 30338-4214

Victory, Stefan  
Victory, Elizabeth C.  
1311 Vernon North Dr.  
Dunwoody, GA 30338-4213

Salas, Alexander  
Salas, Crystal  
1335 Vernon North Dr.  
Dunwoody, GA 30338-4213

Benson, Martin J.  
Benson, Lisa A.  
1359 Vernon North Dr.  
Dunwoody, GA 30338-4213

Shiran LYL LLC  
1583 Withmere Ln.  
Atlanta, GA 30388

Solomon, Darrell  
4162 Chestnut Ridge Dr.  
Dunwoody, GA 30338-4678

Syribey, Philip John  
 Syribey, Floredia Lauren  
 4154 Chestnut Ridge Dr.  
 Dunwoody, GA 30338

Markou, Christos  
 Makarouni, Spiridoula  
 1407 Joberry Ct.  
 Dunwoody, GA 30338-4606

Stinnett, Robert Jr.  
 4126 Chestnut Ridge Dr.  
 Dunwoody, GA 30338-4604

Immerman, Leon Andrew  
 Immerman Joan Marie  
 4165 Chestnut Ridge Dr.  
 Dunwoody, GA 30338-4603

City of Dunwoody  
 41 Perimeter Ctr E 250  
 Dunwoody, GA 30346

Magnuson, John A.  
 Magnuson, Louise J.  
 1230 Village Terrace Ct.  
 Dunwoody, GA 30338-2317

Benator, Donald  
 Benator, Cynthia  
 1218 Village Terrace Ct.  
 Dunwoody, GA 30338-2317

Tallent, Michael Warren  
 Tallent, Susan Bryant  
 1408 Joberry Ct.  
 Dunwoody, GA 30338-4606

Jackson, Christine S.  
 Jackson, Michael E.  
 4142 Chestnut Ridge Dr.  
 Dunwoody, GA 30338-4604

James, William Harlan  
 James, Jane Neall  
 4121 Chestnut Ridge Dr.  
 Atlanta, GA 30338-4603

Anstey, Neil  
 Anstey, Erica  
 4179 Chestnut Ridge Dr.  
 Dunwoody, GA 30338

Bellsouth  
 P.O. Box 182333  
 Columbus, OH 43218-2333

Dorfman, Tracy A.  
 1226 Village Terrace Ct.  
 Atlanta, GA 30338-2317

Braxton, Thomas M. Jr.  
 Braxton, Julia M.  
 1214 Village Terrace Ct.  
 Dunwoody, GA 30338

Hill, Joseph  
 1400 Joberry Ct.  
 Dunwoody, GA 30338-4606

Lavin, Michael K.  
 4134 Chestnut Ridge Dr.  
 Dunwoody, GA 30338-4604

Gaudet, Richard B.  
 Nunn, Judith A.  
 4151 Chestnut Ridge Dr.  
 Dunwoody, GA 30338

Overstreet, Lisa Kathryn  
 4187 Chestnut Ridge Dr.  
 Dunwoody, GA 30338-4603

Berry, Walter Douglas III  
 Berry Cecelia R.  
 1234 Village Terrace Ct # M6  
 Dunwoody, GA 30338-2317

Layne, Shirley  
 1222 Village Terrace Ct. # M3  
 Dunwoody, GA 30338-2317



Ty Flynn

Alexander Tinsley Flynn (Ty) died on May 13, 2016 in a tragic fall in Atlanta.

He is survived by his beloved parents, Marcella (Marnie) Ellis Fulton and David (Dave) Michael Flynn, his wonderful brother, Harrison Flynn, his loving stepfather, Christopher Fulton and his grandparents, Judith and Tinsley Ellis of Fort Lauderdale and Atlanta. He was pre-deceased by his paternal grandparents, Martha and Alexander Flynn of Huntsville. He is also survived by his aunts and uncles, Tinsley Ellis, Jr. and Kelsey, David Ellis and Lynn Kay, Ralph W. Ellis, Audrey Thomas, Mary Toomey and Pat, Bob Flynn, Tony Flynn and Mary Lynn and his cousins, Trey, Denny, and David Soong Ellis, Katie Dormant and Josh, Matthew Thomas and Bridget

and Patrick Toomey.

Ty was born on April 16, 1997 in Seoul, South Korea. He was a member of Dunwoody United Methodist Church. He attended school at Mount Vernon Presbyterian School, Peachtree Middle School and was a graduate of Dunwoody High School, class of 2015. He had just completed his freshman year at Georgia College and State University where he was pursuing a business/pre-law degree.

He was a talented musician, photographer, outdoorsman and served as captain of the debate team in high school.

He spent ten beloved summers at Camp Rockmont in Black Mountain, N.C. where he earned the top ranking of Paladin.

Ty was dearly loved by all of his family and many friends. He was truly a blessing to each life he touched. Memorial gifts can be made to Camp Rockmont in the name of the Ty Flynn Memorial Scholarship, 375 Lake Eden Rd, Black Mountain, N.C. 28711.

Family and friends attended a celebration of Ty's life at Brook Run Park in Dunwoody on Sunday.

## OBITUARIES

Suzanne Gill Miller passed away May 10, 2016 at the age of 83.

Suzanne was born Feb. 9, 1933 in Pittsburgh to the late Frank Corydon Gill and Margaret Swindell Gill. She was raised in Fairfield, N.C., and Wilson, N.C. At the age of 15, Suzanne was dealt a setback as she was a part of the "polio epidemic of 1948" and was paralyzed, losing the use of her legs. She spent the next six months in a hospital in Portsmouth, Va., before coming to Warm Springs for the next 18 months. Her time at Warm Springs prepared her for life without the use of her legs. She saw other patients at Warm Springs that were in far worse shape than she was and she left prepared to rise above anything.

She returned home to Wilson, N.C. and finished high school graduating in 1951 and continued her education at Atlantic Christian College graduating in 1955.



Suzanne Miller

In 1956, she was working as a school teacher in Wilson when she met the love of her life, Dick Miller of Woodstock, Va. Dick Miller was playing pro baseball for the minor league team located in Wilson when they met at the ballpark. They soon married and started a family.

Suzanne and Dick lived in

North Carolina, Virginia and Florida before they moved to Dunwoody in 1970. They became faithful members of Kingswood United Methodist Church and became involved in everything from little league sports at Murphy-Candler park; swim and tennis teams at Kingsley Swim & Racquet Club and Peachtree High School football. Suzanne was the team mom for not just some of the teams, but all of the teams that her kids were a part of. Suzanne and Dick were strong supporters of the University of Georgia and the University of North Carolina. They were season ticket holders for UGA football since the 1980s and those Saturdays in Athens were truly special.

Suzanne will be remembered as the most loving woman you could ever meet. She lived life to the fullest and was a wonderful daughter, sister, wife, mother, grandmother and great friend to all the people that she touched throughout her life. Our greatest memories of Suzanne are tied to those decades living in Dunwoody and the wonderful relationships made along the way that made all of our lives so special.

Suzanne Miller was preceded in death by her parents; her husband, Dick Miller, and her youngest sister, Helen Gill Kensler. She is survived by two daughters, Meg Miller and Lisa Britton; a son, Rick Miller and his wife, Stephanie Miller; two grandchildren, Brooke Miller & Jake Miller; a sister, Nancy Scott; and a brother, Frank Gill.

Memorial service to be held Saturday, June 4 at 2 p.m. at Kingswood United Methodist Church, 5015 Tilly Mill Road. Visitation with the family to follow the service in the Fellowship Hall at Kingswood. In lieu of flowers, please make contributions to Kingswood United Methodist Church or to the Easter Seals Foundation in honor of Suzanne Miller.

### Public Notice

There will be a neighborhood meeting regarding an application to rezone property located at 1660 Mt. Vernon Road, Dunwoody, Georgia from O-1 to C-1 for the purpose of redeveloping an existing building for use as a small scale shopping center with restaurant, retail and office uses. Meeting to be held on Monday, June 6, 2016 at 7:00 p.m. at St. Luke's Presbyterian Church, 1978 Mt. Vernon, Rd., Dunwoody, GA.

### NOTICE OF FILMING

Stalwart Films, LLC. will be filming near Perimeter Center, Dunwoody. Our Filming work is scheduled to take place on May 26 and 27.

Our Crew, Work Truck and Basecamp parking will be self-contained on the property. We will not be doing any lane or street closures, so we will not interfere with traffic.

Stalwart Films LLC., is very sensitive to the impact that filming can have on a community. It is with these issues in mind that we approach the logistical needs of the production so we can effectively work to minimize any inconveniences to those in the neighborhood.

On behalf of Stalwart Films, LLC., thank you for your patience and cooperation; it is greatly appreciated. If you have any questions you can reach us at the production office (404)-662-4050.

**DRESSLER'S**  
JEWELRY FUNERAL CARE  
Atlanta Born ~ Atlanta Owned ~ Atlanta Managed



Helen Scherrer-Diamond  
770.289.8964  
Community Outreach Director  
Helen@JewishFuneralCare.com

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Edward Dressler  
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