



41 Perimeter Center East, Suite 250  
 Dunwoody, Georgia 30346  
 P (678) 382-6700  
 dunwoodyga.gov

## MEMORANDUM

To: City Council

From: John Olson, AICP

Date: February 27, 2017

**Subject:** **SLUP 17-021:** Lang Real Estate Services, LLC, c/o Jacob Lang, on behalf of DAVECHEV, INC, owner of 5465 Chamblee Dunwoody Road, Dunwoody, GA 30338, seeks the following Special Land Use Permits from Chapter 27:

- a.) Section 27-97(g)(1) to exceed the maximum allowed parking in the Dunwoody Village Overlay District;
- b.) Section 27-97(i)(3) to reduce the pedestrian zone along the abutting sides and rear of the building; and
- c.) Section 27-97(k)(1)(a) to reduce the pedestrian "build to zone" requirement.

The tax parcel number is 18 366 07 008.

The applicant has requested a two-week deferral of their SLUP application to conduct discussions with representatives of the adjoining shopping center, specifically concerning the easement access, and to allow time to compile a response to the points raised during the City Council meeting on Monday, February 13th. Based on discussions with staff, they will be prepared to be heard at the March 13<sup>th</sup> City Council meeting.

### Attachments

- EXHIBIT A: Site Plan, completed by Foresite Group, received December 21, 2016
- EXHIBIT B: Building Elevations, completed by Max Design Group, dated November 18 and 19, 2015.
- Site Plan of existing conditions
- Pictures taken by staff
- Maps
- Sec. 27-97 DVO excerpt
- Dunwoody Comprehensive Plan excerpt
- Dunwoody Village Master Plan – Land Use and Framework Plan excerpt
- SLUP Application Packet
- Legal Opinion Letter

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2017-XX-XX**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING  
MAP FOR ZONING CONDITIONS OF LOT PARCEL NUMBER 18 366 07 008  
IN CONSIDERATION OF SPECIAL LAND USE PERMIT  
SLUP 17-021 (5465 Chamblee Dunwoody Road)**

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

**WHEREAS,** Lang Real Estate Services, LLC, on behalf of DAVECHEV, Inc., seeks Special Land Use Permits pursuant to Chapter 27, to (1) exceed the maximum number of allowed parking spaces in the Dunwoody Village Overlay District pursuant to Section 27-97(g)(1), (2) to reduce pedestrian zone along the abutting sides and rear of the building, pursuant to Section 27-97(i)(3), and (3) to reduce the pedestrian "build-to-zone" requirement pursuant to Section 27-97(k)(1)(a); and

**WHEREAS:** The Property, a 0.77 acre outparcel, is located 400 feet North of the intersection of Chamblee Dunwoody Road and Mount Vernon Road in the Dunwoody Village, identified as a "Village Center Mixed Use" sub-district within the Dunwoody Village Master Plan and is zoned Local Commercial (C-1); and

**WHEREAS:** The applicant proposes to demolish the existing building on the site and construct a building for retail and restaurant uses; and

**WHEREAS:** The Mayor and City Council find that this SLUP request would be consistent with the vision of the Dunwoody Comprehensive Plan and the Dunwoody Village Overlay District, including increased focus on pedestrian amenities, architectural controls, connectivity, place-making and "walkable" storefront character; and

**WHEREAS:** The Mayor and City Council find that the parking request aligns with the demands of a restaurant and retail building and the requests to reduce the pedestrian buffer and build-to-zone requirements are reasonable to provide sufficient parking and vehicular circulation around the site.

**NOW THEREFORE,** The Mayor and City Council of the City of Dunwoody hereby ordains and approves Special Land Use Permit 17-021 for this said property as requested. Development shall be in substantial compliance with the following exhibits and conditions, which apply to all three requests:

- EXHIBIT A: Site plan, completed by Forsite Group, received December 21, 2016.
- EXHIBIT B: Building Elevations, completed by Max Design Group, dated November 18 and 19, 2015.

- 1. The subject property shall be developed in general conformity with Exhibit A and B with changes to meet land development and zoning regulations;**

#15.

2. The site plan, Exhibit A, shall not be considered specific to the square footage of tenant mix shown;
3. The maximum number of parking spaces shall be 36 spaces;
4. Street improvements consistent with the Dunwoody Village overlay zoning requirements must be installed. These include a 6-foot landscape buffer with street trees between Chamblee Dunwoody Road and the sidewalk, a 12-foot sidewalk, street and pedestrian lighting, and street furniture. Also a 4-foot bike lane must be incorporated along the property frontage on Chamblee Dunwoody Road in accordance with Chapter 16 of the city's code of ordinances. If necessary, the applicant shall dedicate additional right of way to incorporate the public improvements;
5. A 4-foot wide sidewalk shall extend east to west near the northern property line;
6. A 2.5-foot wide landscape strip shall be added between the building and sidewalk along the eastern and southern sides of the building;
7. Meandering of the sidewalk shall be reviewed and approved by staff; and
8. Should cross access to the adjacent property owned by Regency Centers, as shown on Exhibit A, be prohibited or prevented by a future legal determination, the site plan shall be modified to provide a vehicle turn-around at the end of dead end parking aisles and to allow servicing of the refuse containers without backing into Chamblee Dunwoody Road. Site changes are to be reviewed and subject to staff approval.

Approved by:

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

Attest:

Approved as to Form and Content

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

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

SEAL

**PROJECT DATA**

5465 CHAMBLEE DUNWOODY RD.  
DUNWOODY, GA

**SITE DATA**

PROJECT AREA 0.77 AC.  
LOT COVERAGE REQUIRED (MAX) 80.0%  
LOT COVERAGE PROVIDED 79.1%

**BUILDING DATA**

RETAIL BUILDING AREA 8,735 SF

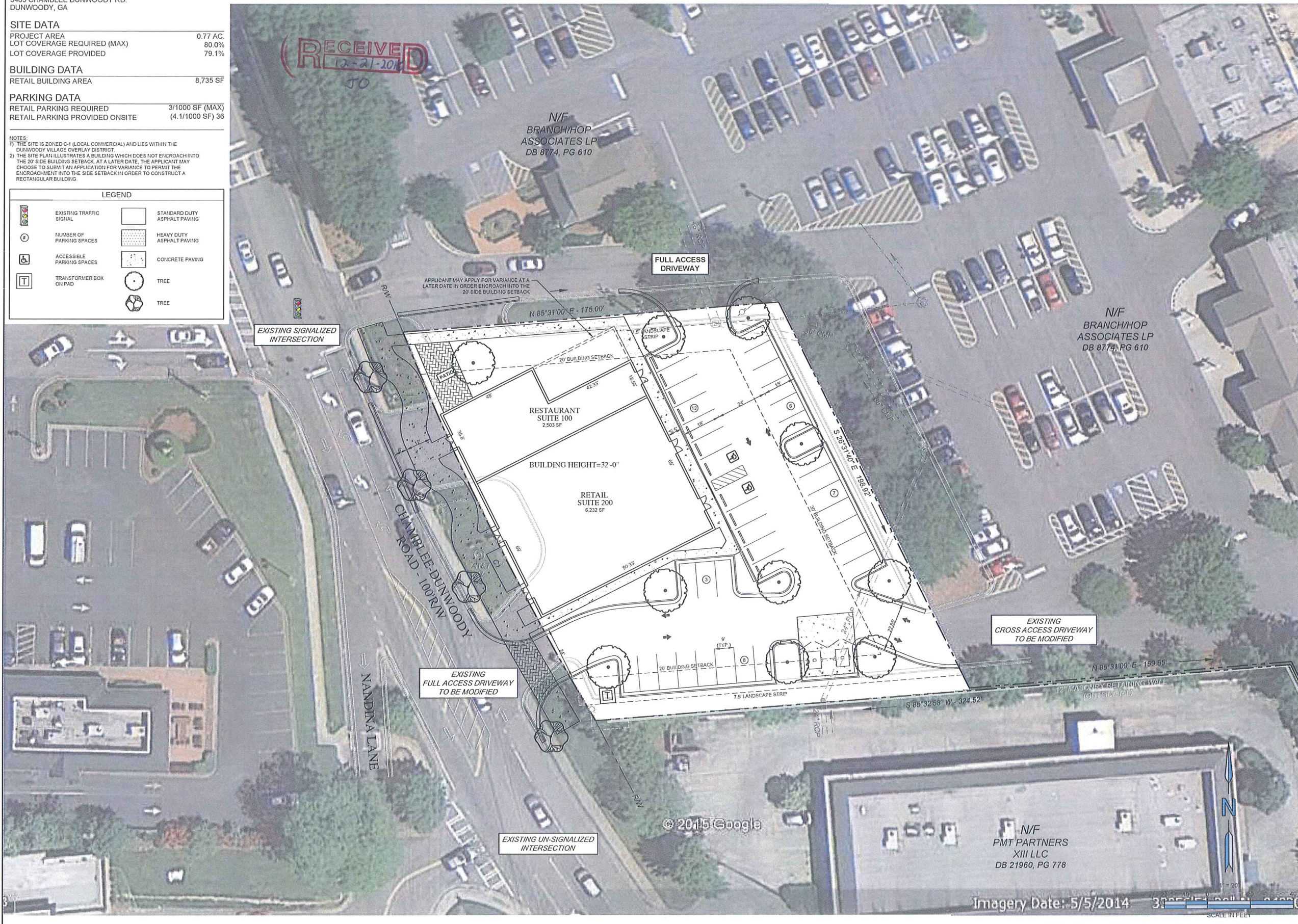
**PARKING DATA**

RETAIL PARKING REQUIRED 3/1000 SF (MAX)  
RETAIL PARKING PROVIDED ONSITE (4.1/1000 SF) 36

**NOTES:**  
1) THE SITE IS ZONED C-1 (LOCAL COMMERCIAL) AND LIES WITHIN THE DUNWOODY VILLAGE OVERLAY DISTRICT.  
2) THE SITE PLAN ILLUSTRATES A BUILDING WHICH DOES NOT ENCRDACH INTO THE 20' SIDE BUILDING SETBACK. AT A LATER DATE, THE APPLICANT MAY CHOOSE TO SUBMIT AN APPLICATION FOR VARIANCE TO PERMIT THE ENCRDACHMENT INTO THE SIDE SETBACK IN ORDER TO CONSTRUCT A RECTANGULAR BUILDING.

**LEGEND**

	EXISTING TRAFFIC SIGNAL		STANDARD DUTY ASPHALT PAVING
	NUMBER OF PARKING SPACES		HEAVY DUTY ASPHALT PAVING
	ACCESSIBLE PARKING SPACES		CONCRETE PAVING
	TRANSFORMER BOX ON PAD		TREE
			TREE



ENGINEER:

**FORESITE**  
group

Foresite Group, Inc.  
5185 Peachtree Pkwy.  
Suite 240  
Norcross, GA 30092  
o | 770.368.1399  
f | 770.368.1944  
w | www.fg-inc.net

DEVELOPER:

**LANG REAL ESTATE SERVICES**

JACOB@LANGCRE.COM  
504 N ASH STREET | SPRINGFIELD, GA 31329  
M | 912.655.3438

CONTACT: JACOB LANG, PE, CCIM

**DUNWOODY RETAIL**  
5465 CHAMBLEE DUNWOODY RD.  
DUNWOODY, GA

SEAL:



REVISIONS	DATE
CLIENT COMMENTS	2016/03/09
CLIENT COMMENTS	2016/10/27
BUILDING ADJUSTMENT	2016/11/08
PARKING ADJUSTMENT	2016/11/10
CITY COMMENTS	2016/12/21

PROJECT MANAGER:	DMS
DRAWING BY:	JRH
JURISDICTION:	DUNWOODY, GA
DATE:	2015/11/05
SCALE:	1" = 20'
TITLE:	

**QL-3**

SHEET NUMBER:

1 OF 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 555.002



### STREET VIEW ELEVATION

NOTE:  
SIGNAGE SHOWN IS FOR RENDERING PURPOSES ONLY.  
THE CITY WILL NEED TO APPROVE ALL SIGNAGE.

EXTERIOR FINISH SCHEDULE			
MARK	CATEGORY	MANUFACTURER	DESCRIPTION / FINISH
B-1	MODULAR BRICK	BORAL	COLOR: WAVERLY w/ CEMEX LITE BUFF MORTAR, TOOLED JOINTS
P-1	PAINT	SHERWIN WILLIAMS	PAINT, COLOR TO MATCH: SW 7005 "PURE WHITE"
RS-1	ASPHALT SHINGLES	GAF	TIMBERLINE ULTRA HD, COLOR: "PEWTER GRAY"
F-1	AWNING	SUNBRELLA	FABRIC AWNING, COLOR: "BLACK"

DEVELOPED BY:  
LANG REAL ESTATE SERVICES

DUNWOODY CENTER  
RETAIL BUILDING  
DUNWOODY, GEORGIA

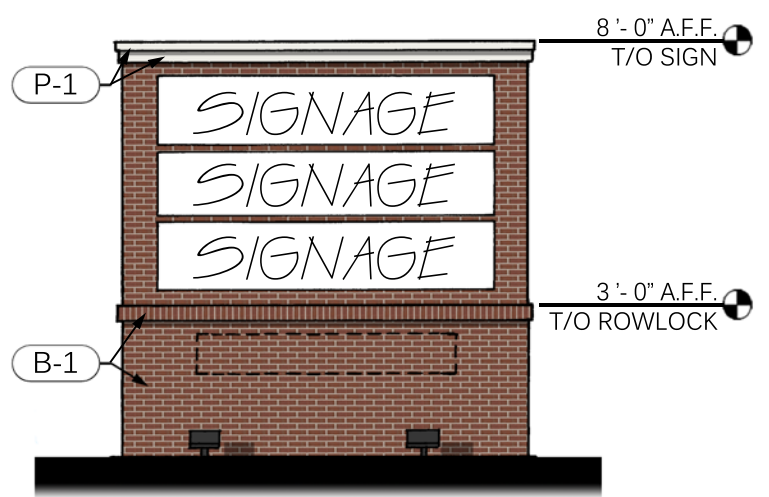
MaxDesign Group Project  
D15-117  
19 NOVEMBER 2015

**MaxDesignGroup**  
Architecture · Planning · Interiors



### PARKING LOT ELEVATION

NOTE:  
SIGNAGE SHOWN IS FOR RENDERING PURPOSES ONLY.  
THE CITY WILL NEED TO APPROVE ALL SIGNAGE.



SIGN ELEVATION

### EXTERIOR FINISH SCHEDULE

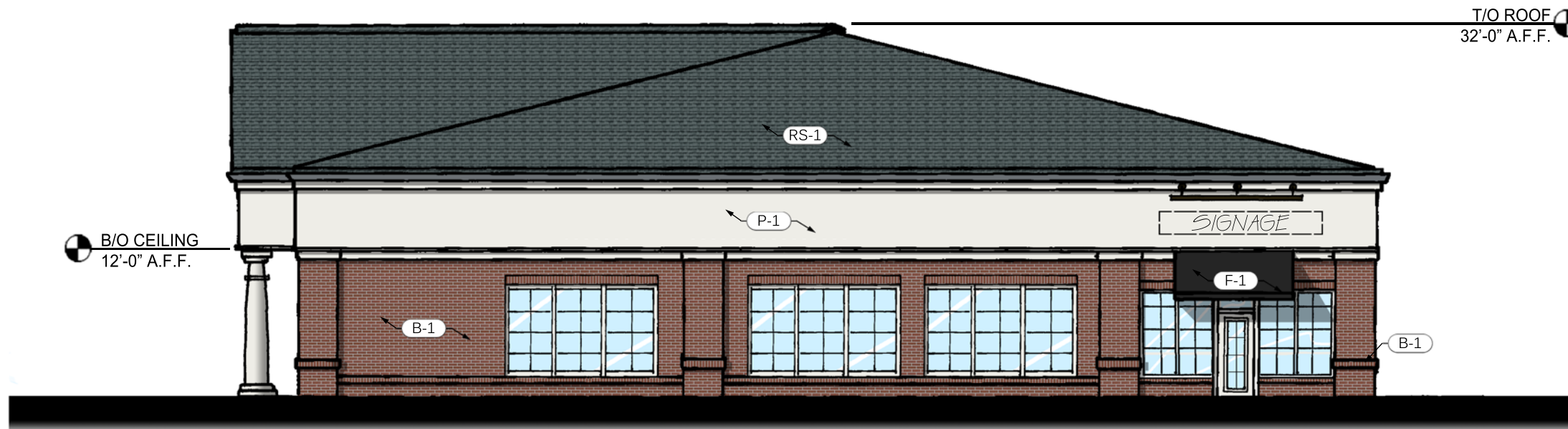
MARK	CATEGORY	MANUFACTURER	DESCRIPTION / FINISH
B-1	MODULAR BRICK	BORAL	COLOR: WAVERLY w/ CEMEX LITE BUFF MORTAR, TOOLED JOINTS
P-1	PAINT	SHERWIN WILLIAMS	PAINT, COLOR TO MATCH: SW 7005 "PURE WHITE"
RS-1	ASPHALT SHINGLES	GAF	TIMBERLINE ULTRA HD, COLOR: "PEWTER GRAY"
F-1	AWNING	SUNBRELLA	FABRIC AWNING, COLOR: "BLACK"

DEVELOPED BY:  
LANG REAL ESTATE SERVICES

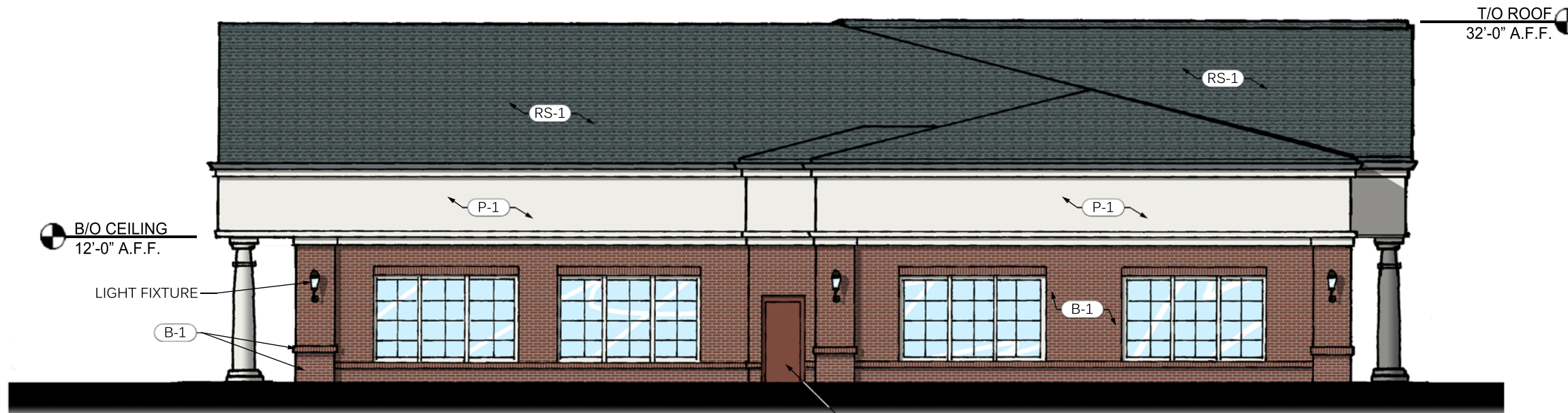
DUNWOODY CENTER  
RETAIL BUILDING  
DUNWOODY, GEORGIA

MaxDesign Group Project  
D15-117  
18 NOVEMBER 2015





RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

EXTERIOR FINISH SCHEDULE

MARK	CATEGORY	MANUFACTURER	DESCRIPTION / FINISH
B-1	MODULAR BRICK	BORAL	COLOR: WAVERLY w/ CEMEX LITE BUFF MORTAR, TOOLED JOINTS
P-1	PAINT	SHERWIN WILLIAMS	PAINT, COLOR TO MATCH: SW 7005 "PURE WHITE"
RS-1	ASPHALT SHINGLES	GAF	TIMBERLINE ULTRA HD, COLOR: "PEWTER GRAY"
F-1	AWNING	SUNBRELLA	FABRIC AWNING, COLOR: "BLACK"

DEVELOPED BY:  
LANG REAL ESTATE SERVICES

DUNWOODY CENTER  
RETAIL BUILDING  
DUNWOODY, GEORGIA

MaxDesign Group Project  
D15-117  
18 NOVEMBER 2015

**MaxDesignGroup**  
Architecture - Planning - Interiors

THIS DRAWING IS THE PROPERTY OF MAXDESIGN GROUP, LLC. AND IS NOT TO BE REPRODUCED IN WHOLE OR IN PART. IT IS NOT TO BE USED ON ANOTHER PROJECT AND SHALL BE RETURNED UPON REQUEST.

PROFESSIONAL SEAL:

PROJECT TITLE:  
**DUNWOODY RETAIL**  
 DUNWOODY, GEORGIA

PROJECT INFO:  
 5465 Chamblee Dunwoody RD.  
 Dunwoody, Georgia

OWNER:  
**LANG REAL ESTATE SERVICES**  
 Contact: Jacob Lang, PE  
 912.655.3438  
 Springfield, Georgia 31329

PRINT RECORD	
Description	Date
OWNERS REVIEW	07.30.2015
OWNERS/ TENANTS REVIEW	10.29.2015
OWNERS/ TENANTS REVIEW	11.18.2015

REVISION		
No.	Description	Date

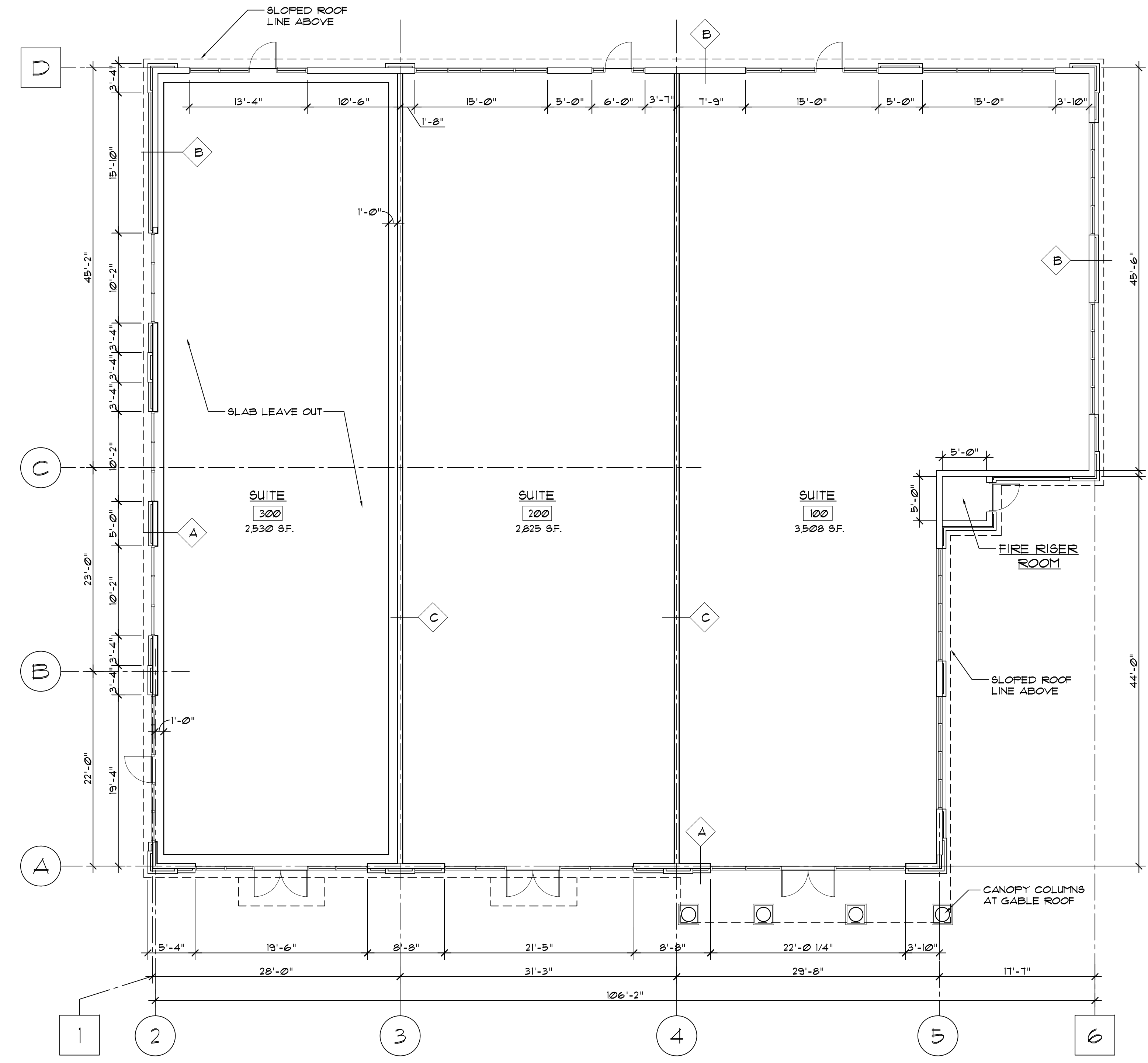
**FLOOR PLAN AND SCHEDULES**

Project number	D15-117
Date	07/29/2015
Drawn by	B.M.R.
Checked by	R.M.M.

**A-101**

Scale PER DWG.

**ISSUED FOR REVIEW**



**1**  
**A-101** PRELIMINARY BUILDING FLOOR PLAN  
 SCALE: 1/8" = 1'-0"

PARTITION SCHEDULE:				
MARK	RATING	WALL TYPE	THK.	DESCRIPTION
◊	-	METAL/ G.W.B.	1-1/4"	6" - 18 GA. (MIN) METAL STUDS @ 16" O.C. WALL WITH 5/8" GYP. BD. ON INTERIOR AND 5/8" EXTERIOR GRADE SHEATHING ON EXTERIOR, MIN. R-13 BATT INSULATION TO 6" ABOVE ROOF DECK. APPLY VERT. FINISH JOINTS AND PAINT, CAULK PERIMETER
◊	-	MASONRY	8"	8" CONCRETE BLOCK WALL WITH GROUTED AND FOAM FILLED CELLS. NO FINISH ON INTERIOR AND BRICK VENEER AND STICCO ON EXTERIOR, REFER TO ELEVATIONS AND SECTIONS.
◊	1 HR - U465	METAL/ G.W.B.	1-1/4"	1 HOUR DEMISING PARTITION: 6" METAL STUD WALL AT 24" O.C. WITH 5/8" TYPE X GYP. BD. BOTH SIDES TO DECK. SCREW ATTACH FINISH JOINTS, TAPED, SANDED AND READY FOR PAINT. SOUND BLANKETS TO 6" ABOVE CEILING - FIRE CAULK AND/ OR FIRE COLLARS REQUIRED AT ALL PENETRATIONS AND ROOF STRUCT./ DECK
◊	-	MASONRY W/ METAL STUDS	8" CMU 2-3/4" STUDS	8" (NOM.) CONCRETE BLOCK W/ REINFORCING AND FOAM INSULATION FILLED CELLS, INTERIOR WITH 2-1/2" METAL STUDS AND 5/8" GYP. BD. TAPED, SANDED AND READY TO BE PAINTED, EXTERIOR TO BE BRICK VENEER, REFER TO ELEVATIONS AND SECTIONS.

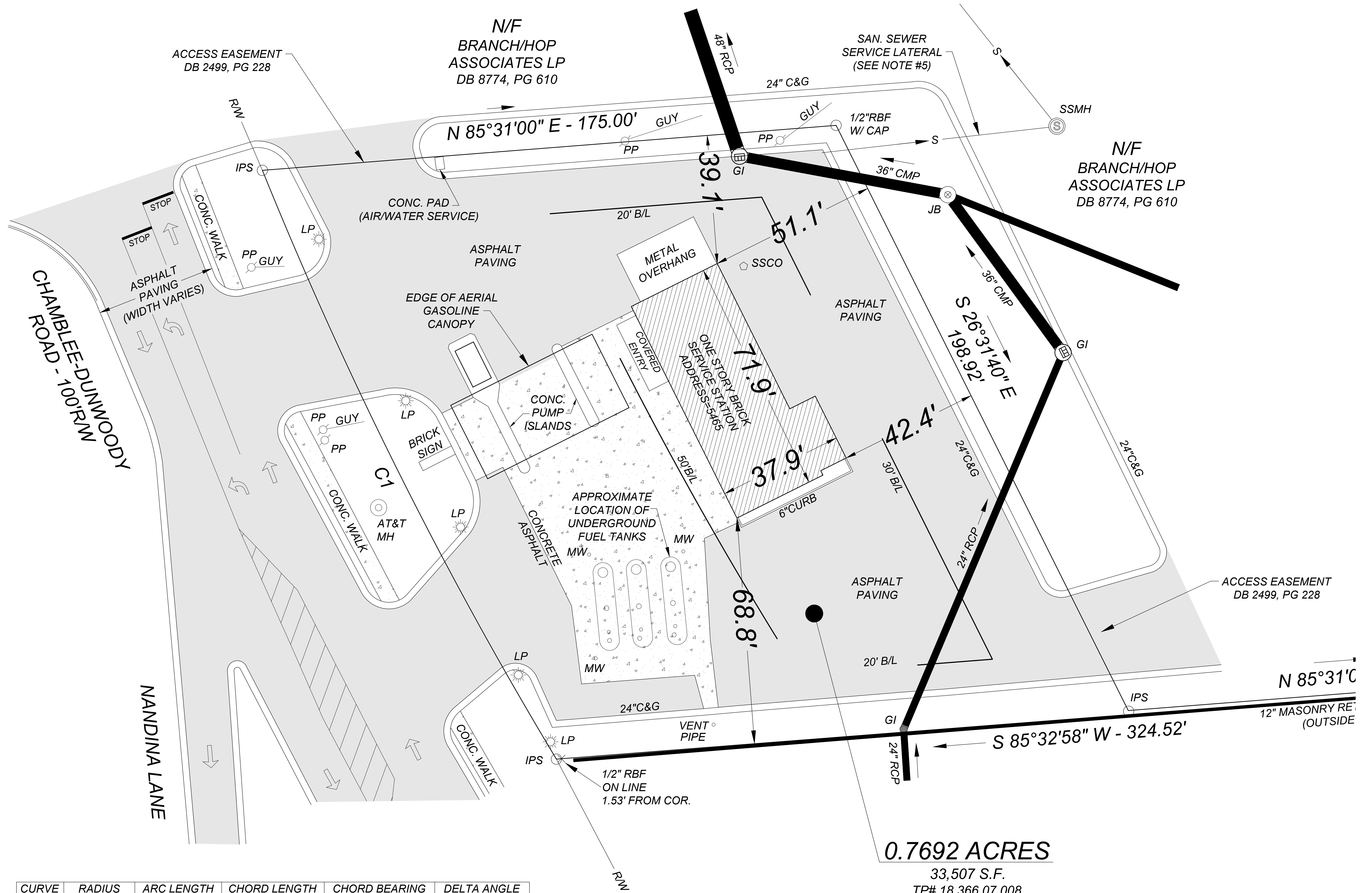
**PARTITION SCHEDULE NOTES:**  
 1. MOISTURE RESISTANT GYP. BD. TO BE USED AT ALL WET LOCATIONS  
 2. RESTROOM TO BE FINISHED ON INSIDE, SALES AREA TO BE PREPARED TO PAINT  
 3. REFER TO SHEET G-003 FOR WALL TYPES AND SEISMIC DETAILS AS NEEDED

**GENERAL NOTES:**

- REFER TO CIVIL DRAWINGS FOR SITE LAYOUTS.
- REFER TO LANDSCAPE DRAWINGS FOR LANDSCAPE LAYOUTS AND DETAILS.
- REFER TO SHEET A-201 FOR EXTERIOR ELEVATIONS AND FINISH MATERIALS.
- REFER TO SHEET A-601 FOR DOOR AND WINDOW DETAILS AND SCHEDULES.
- FIRE EXTINGUISHERS TO BE RATED 2A 10BC WITH A TRAVEL DISTANCE NOT TO EXCEED 75'. COORDINATE WITH LOCAL FIRE MARSHAL FOR FINAL LOCATIONS.
- ALL RESTROOMS MUST MEET THE LATEST ADA CODES.
- DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN, VERIFY ALL DIMENSIONS IN THE FIELD.
- PROVIDE AND INSTALL FIRE RESISTANT BLOCKING AS REQUIRED FOR TENANT SEPARATION.
- ROOF INSULATION MIN. R-19. CMU WALL FOAM FILL TO ROOF DECK MIN. R-13.
- ALIGN SIDEWALK CONTROL JOINTS WITH FACADE'S PILASTERS, UNO.

-96-





CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1273.24'	200.36'	200.15'	N 26°31'59" W	9°00'58"

**0.7692 ACRES**  
 33,507 S.F.  
 TP# 18 366 07 008  
 ZONED C-1 (LOCAL COMMERCIAL)

N/F  
 PMT PARTNERS  
 XIII LLC  
 DB 21960, PG 778

5465 Chamblee Dunwoody Road – Staff Pictures



#15.

5465 Chamblee Dunwoody Road – Staff Pictures





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

Community Development

41 Perimeter Center East | Dunwoody, Georgia  
 Suite 250 | 30346-1902

678-382-6800 ~ www.dunwoodyga.gov

**5465 Chamblee  
 Dunwoody Road**

**SLUP 17-021**

**Aerial Map**

*January 2017*

**Legend**

 Street Centerline

 Parcel



**Scale:**

1 in = 208 ft




















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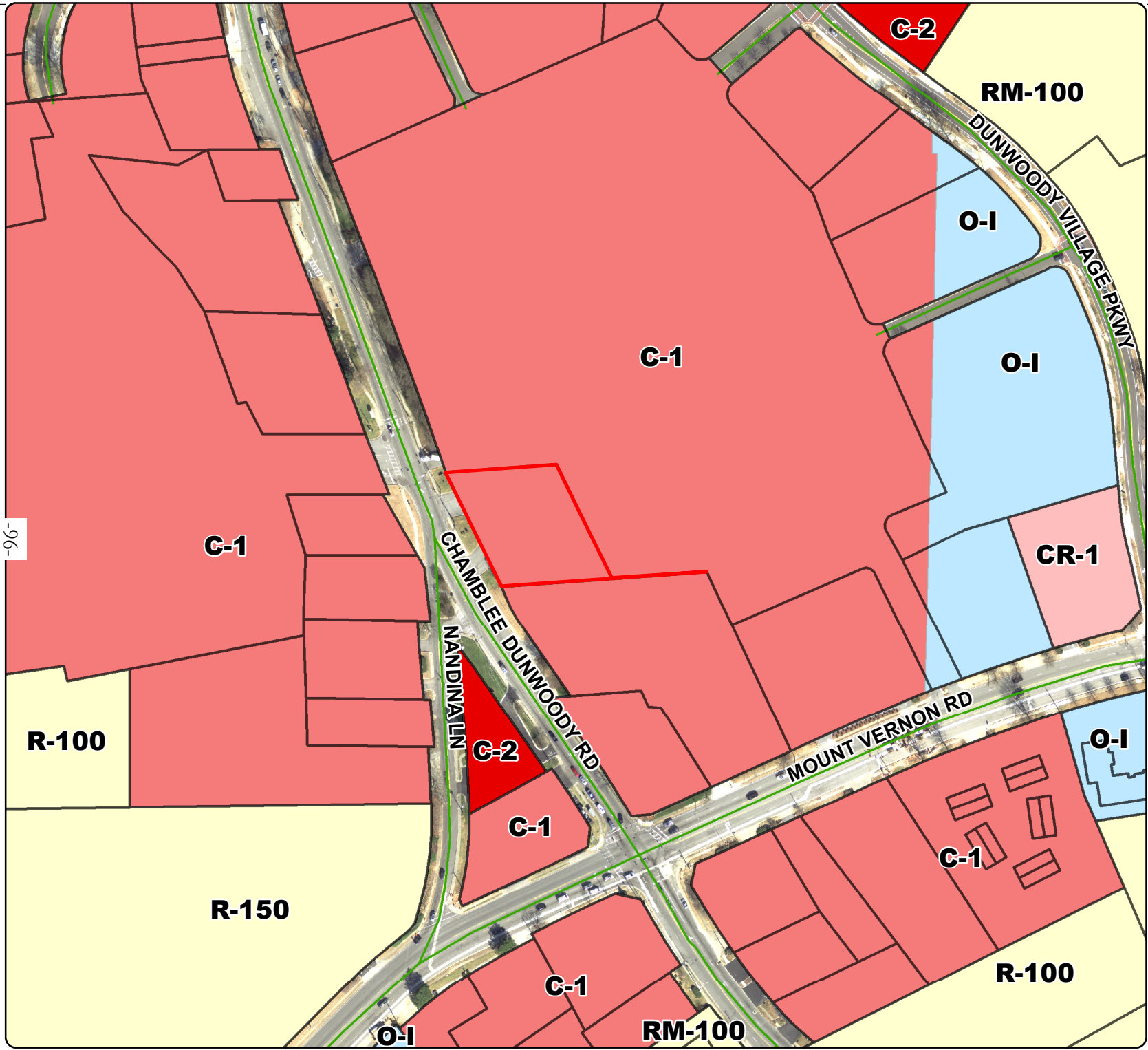
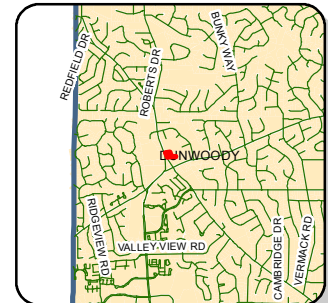
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**5465 Chamblee Dunwoody Road**  
**SLUP 17-021**  
**Zoning Map**  
 January 2017

**Legend**

-  Street Centerline
-  Parcel
- 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 = 208 ft



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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.

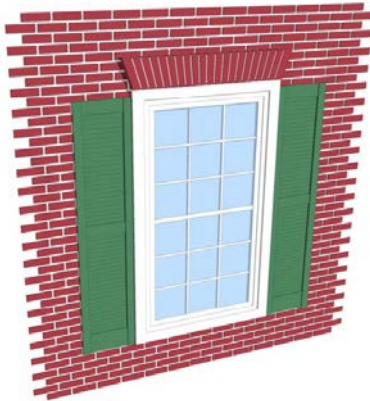
(3) *Building massing.*

- 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.

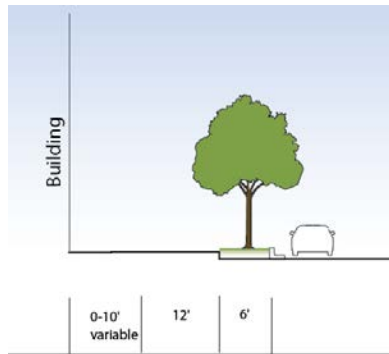
(g) *Parking and circulation.* The parking and circulation regulations of article IV, division 4, apply within the Dunwoody Village Overlay district except as modified by the following regulations:

- (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:

<b>Build-to-Zone</b>	
Minimum/maximum (feet)	0/10
Minimum percent of building in build-to-zone (percent)	80
<b>Parking Setback</b>	
Minimum (feet)	30

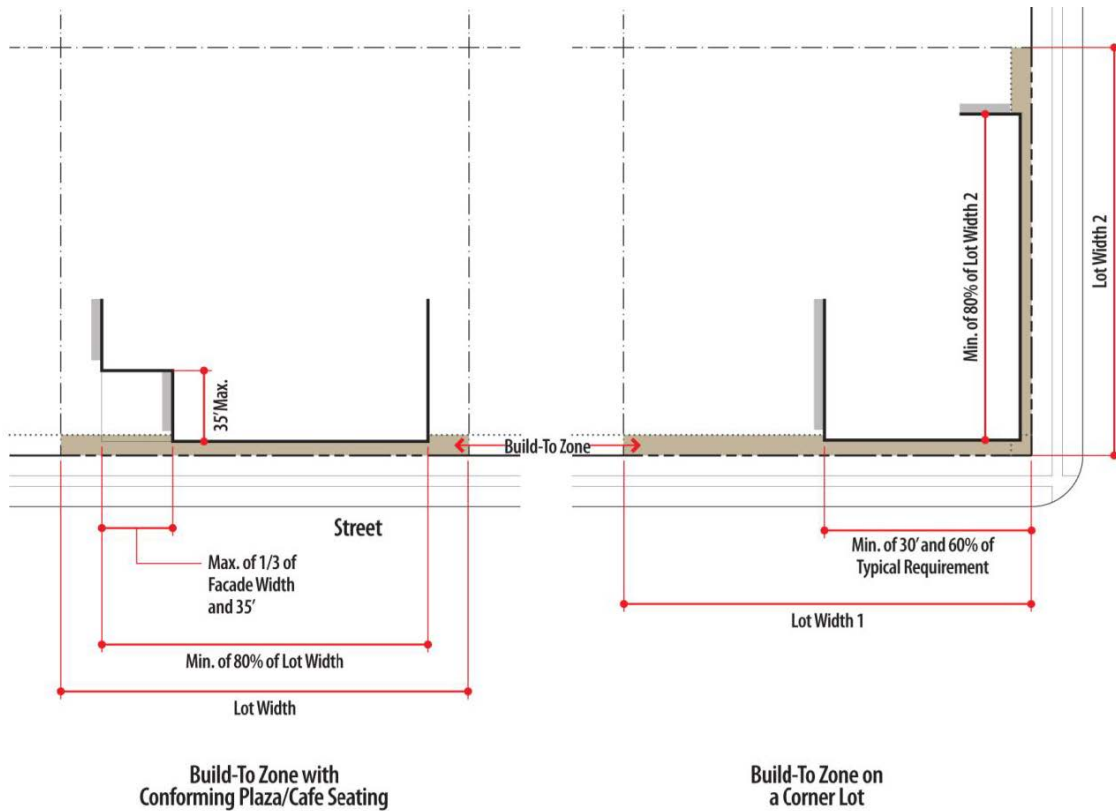
- b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, based on the width of the front building facade divided by the width of the lot.

*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.*

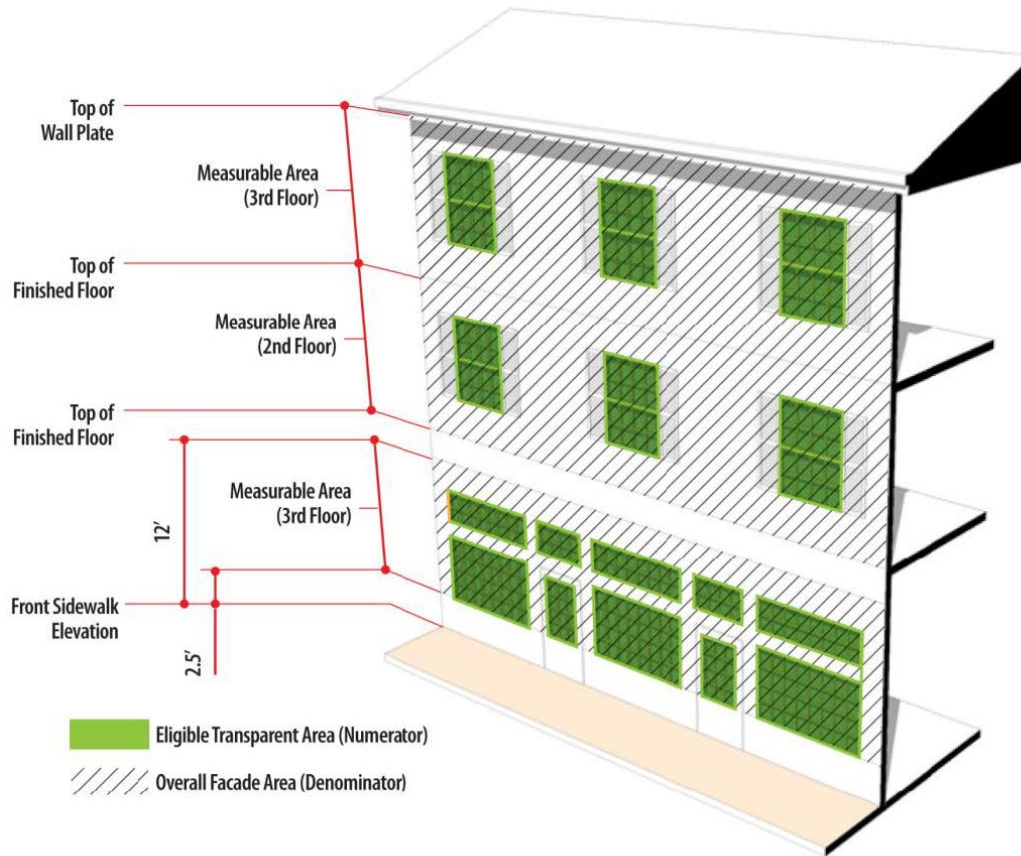
- a. Transparency regulations govern the percentage of a street-facing building facade that must be covered by glazing (e.g., transparent windows and doors). The minimum requirements are as follows:

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.*

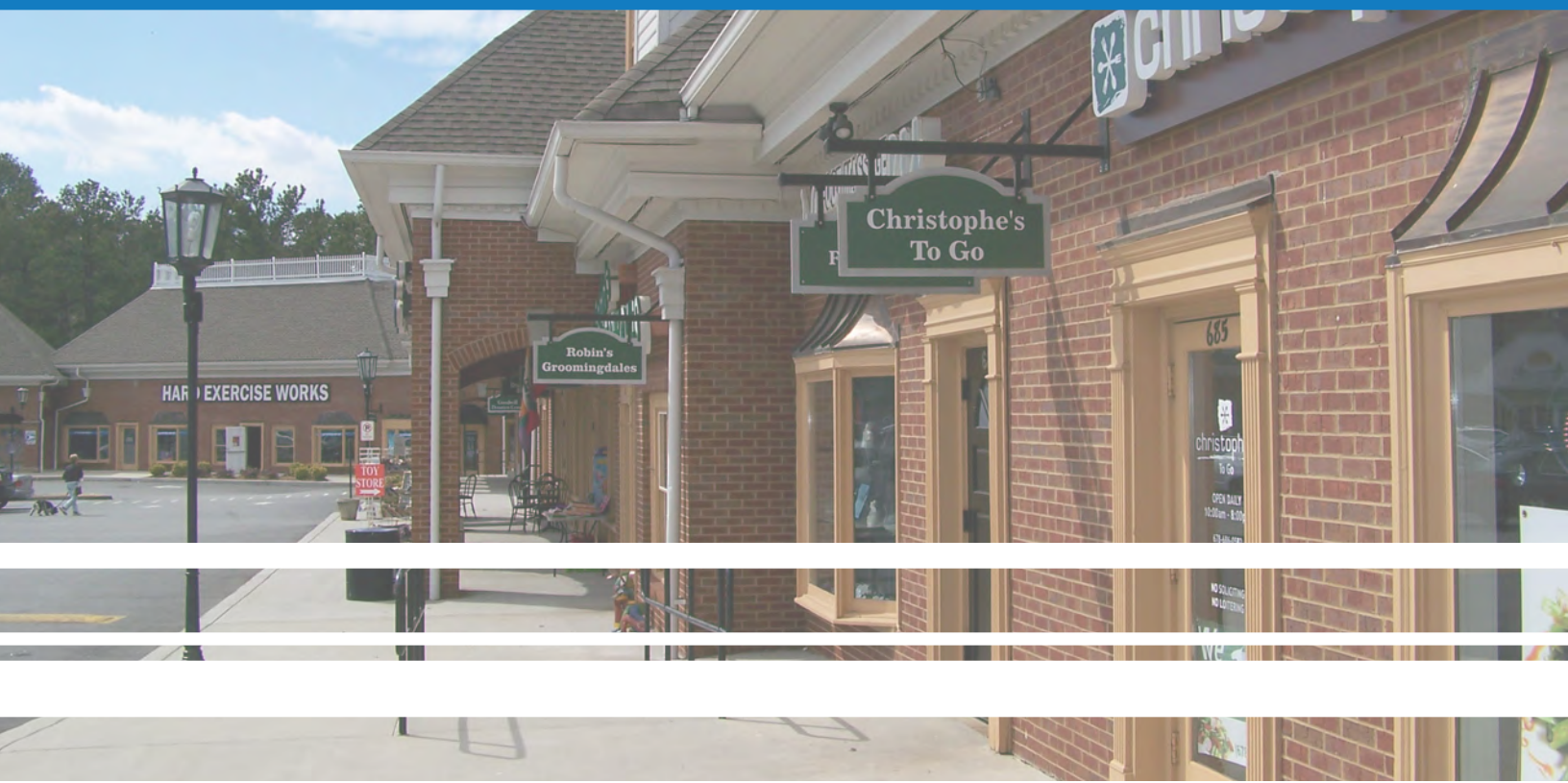
- a. Blank walls are areas on the exterior facade of a building that do not include a substantial material change; windows or doors; columns, pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established as follows:

Maximum blank wall length (feet)	20
----------------------------------	----

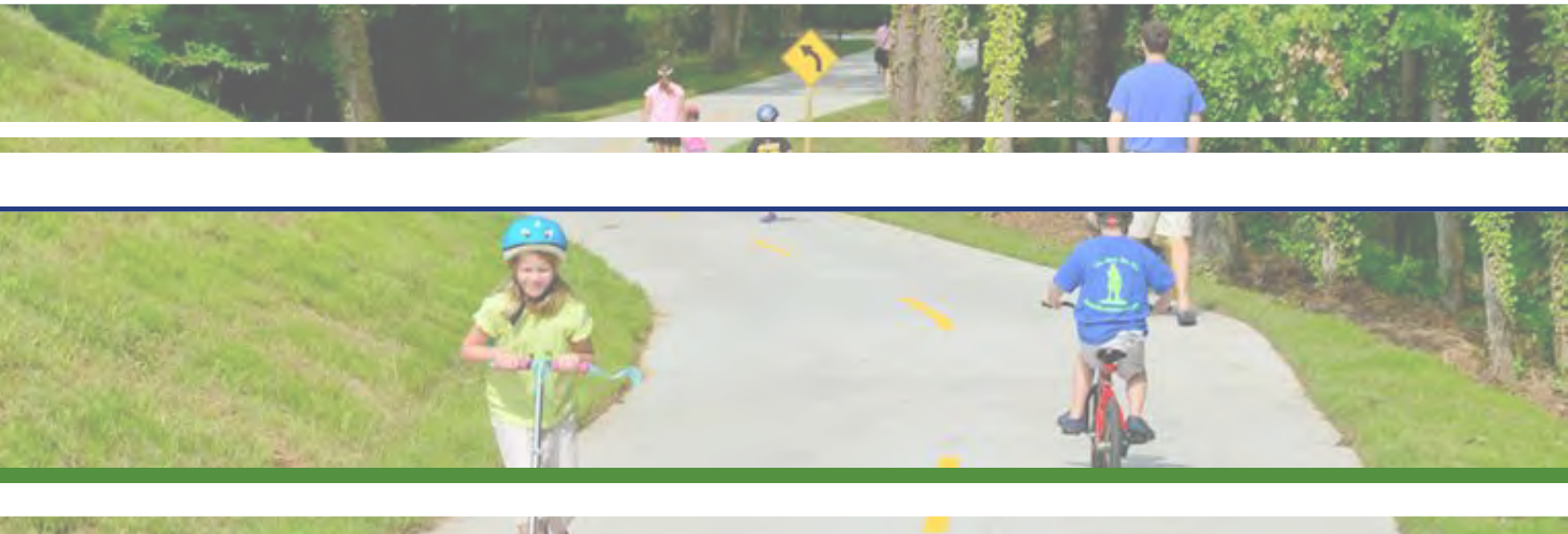
- b. Blank wall area regulations apply in both a vertical and horizontal direction.

(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.



# 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.



FIGURE 6: Dunwoody Village Character Area Map

### 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.



▲ 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
	<p>Transportation/ Communication/ Utilities</p>	<p>Major transportation routes, public transit stations, power generation plants, railroad facilities, radio towers, telephone switching stations, airports, port facilities or other similar uses.</p>	<p>Any zoning district, subject to applicable zoning restrictions.</p>
	<p>Parks/ Recreation/ Conservation - Public</p>	<p>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.</p>	<p>Any zoning district.</p>
	<p>Parks/ Recreation/ Conservation - Private</p>	<p>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.</p>	<p>Any zoning district.</p>
	<p>Mixed Use</p>	<p>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.</p>	<p>OCR, PD, CR-1</p>
	<p>Perimeter Center</p>	<p>Livable regional center with office, retail, mixed-use, and multi-use residential buildings.</p>	<p>Draft PC-1, PC-2, PC-3 and PC-4 Districts</p>

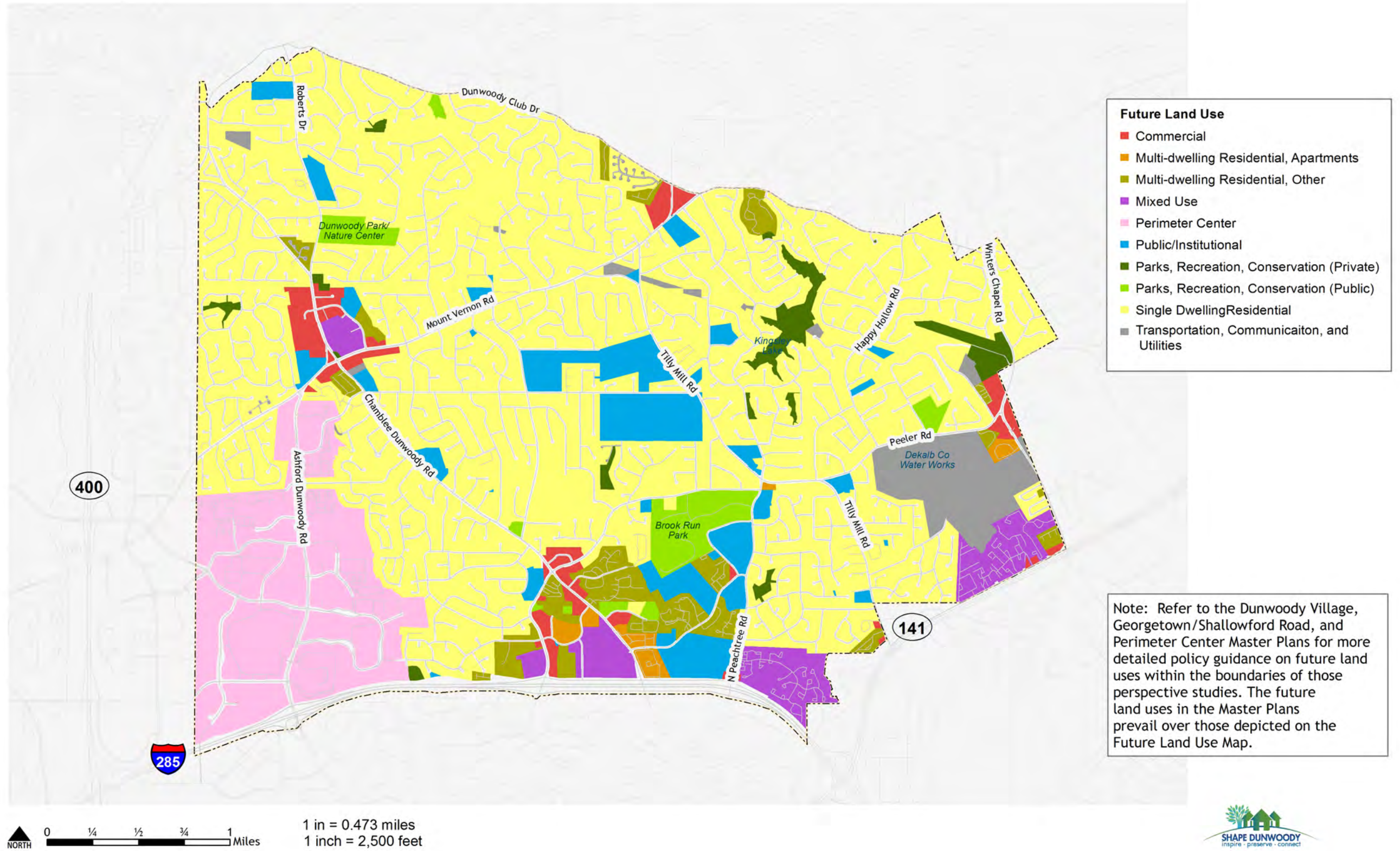


FIGURE 17: Future Land Use Map



## 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.

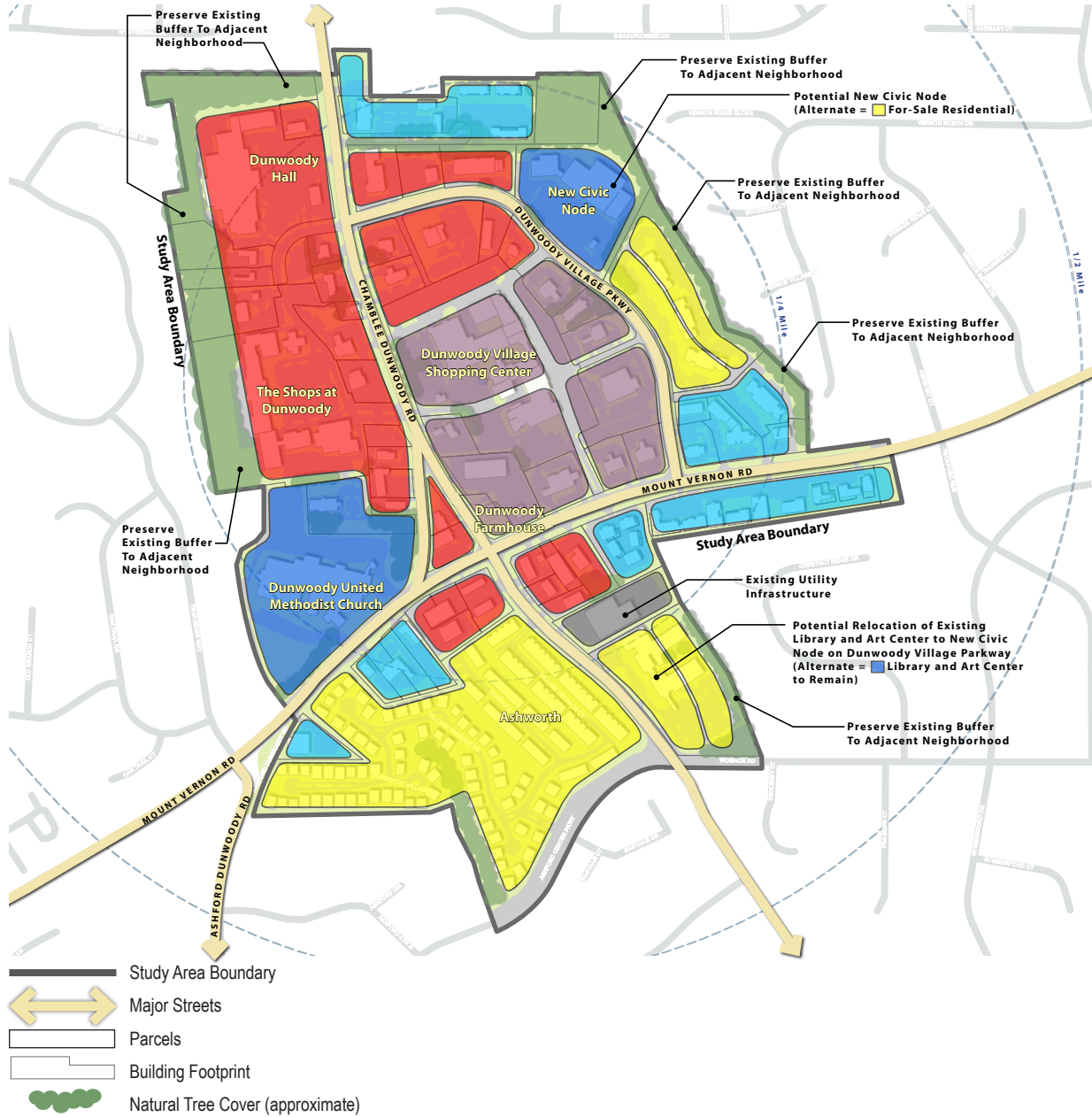
The land use framework plan seeks to create a 20-year vision for community improvement and redevelopment in areas that are most likely or most susceptible to change. Consistent with the community consensus points the Land Use Framework Plan seeks to:

- 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

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## 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.

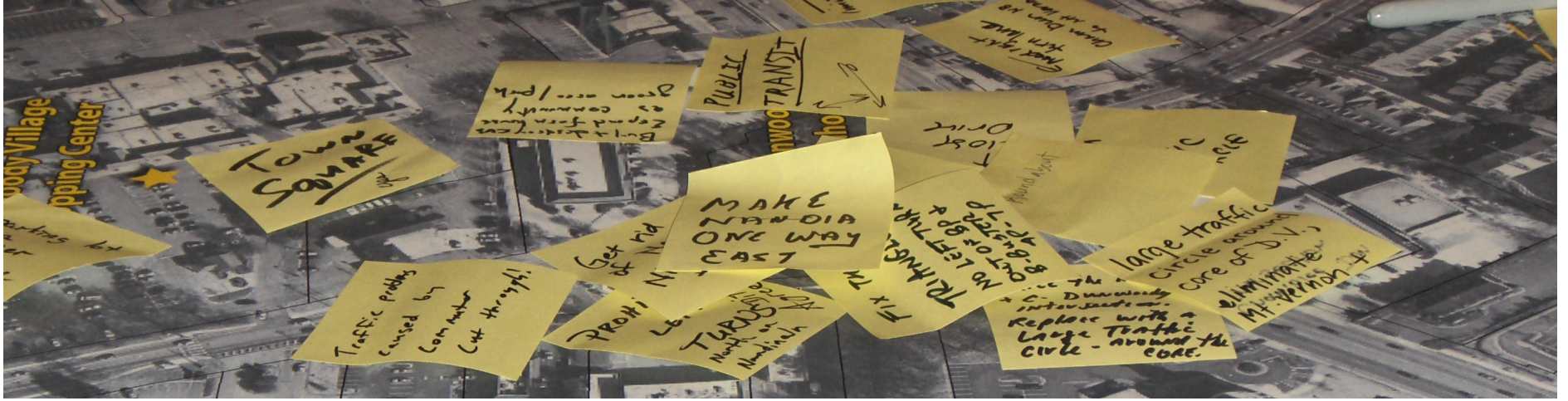
To enhance neighborhood retail areas the City of Dunwoody should consider:

- 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-esq 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.



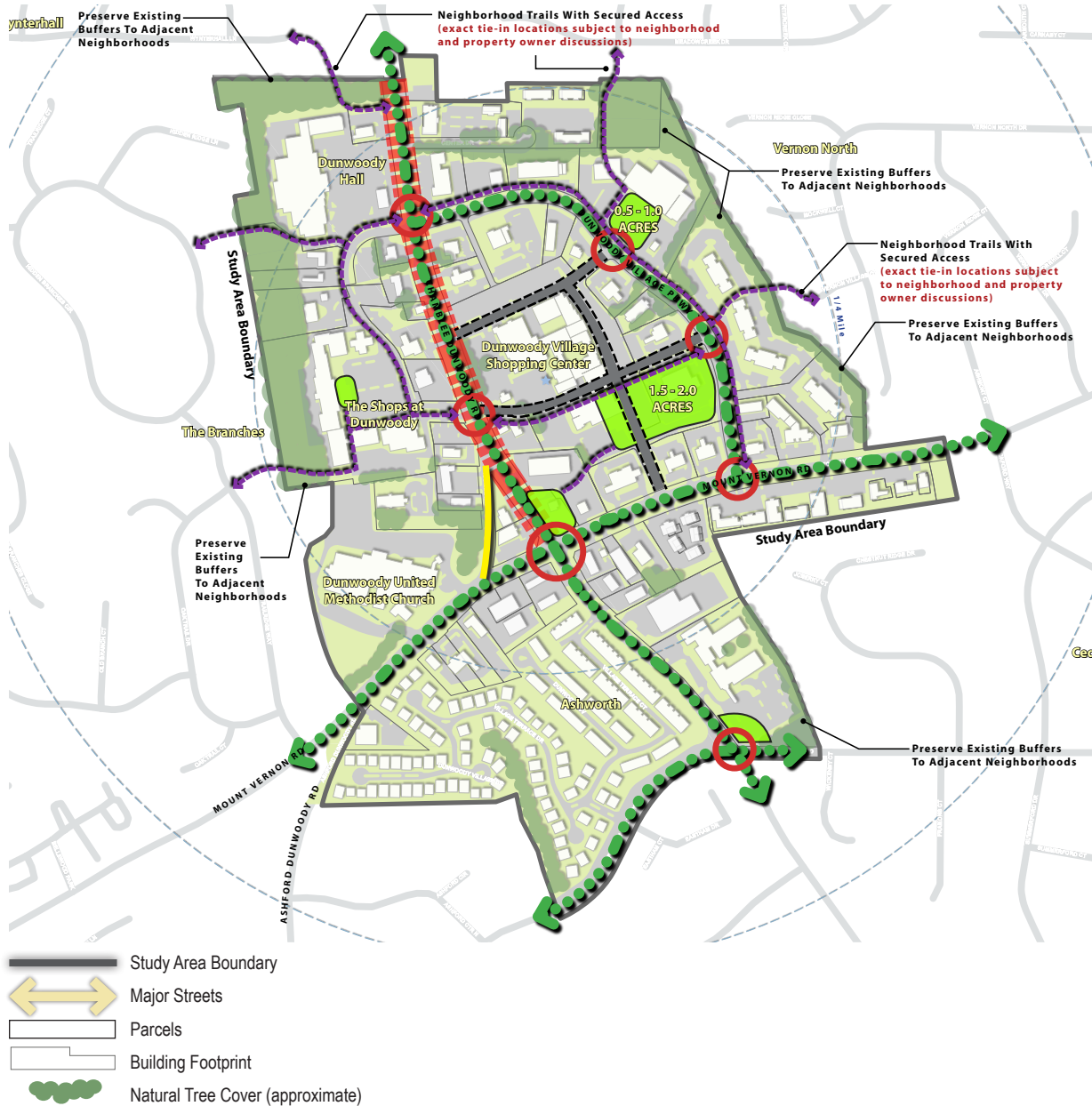
## CIRCULATION & OPEN SPACE FRAMEWORK PLAN

The Circulation and Open Space Framework Plan outlines key community green/open space and pedestrian, bicycle, and roadway improvements developed in conjunction with the land use and market goals established during the planning process. Outlining transportation improvements in conjunction with land use goals and objectives is vital to maintaining and enhancing the character of the Dunwoody Village. The Circulation and Open Space Framework Plan places emphasis on community goals to create additional open space and gathering areas, enhance walkability, and expand potential for alternative transportation modes to be utilized in and around Dunwoody Village.








The following sections outline key green space initiatives and recommended roadway, pedestrian, bicycle, and multi-use trail enhancements.



# 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.



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**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.





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## 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.





# SPECIAL LAND USE PERMIT APPLICATION

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

**\* Applicant Information:**

534

Company Name:	Lang Real Estate Services				
Contact Name:	Jacob Lang				
Address:	504 N Ash Street, Springfield, GA 31329				
Phone:	912 655 3438	Fax:	770 368 1944	Email:	jacob@langcre.com
Pre-application conference date (required):	May 13, 2016				

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

Owner's Name:	DAVCHEV, INC				
Owner's Address:	5465 Chamblee Dunwoody Rd, Dunwoody, GA 30338				
Phone:		Fax:		Email:	

**\* Property Information:**

Property Address:	5465 Chamblee Dunwoody Rd	Parcel ID:	18 366 07 008
Zoning Classification:	C-1 (Local Commercial) within the Dunwoody Village Overlay District		
Requested Use of the Property:	Restaurant and Retail Sales uses		

**\* Applicant Affidavit:**

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

Applicant's Name: Jacob Lang

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\* Notary:**

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

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

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

My Commission Expires: \_\_\_\_\_

**\* Owner Affidavit:**

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

Property Owner's Name: David J Bailey

Property Owner's Signature: David Bailey Date: 12-2-16

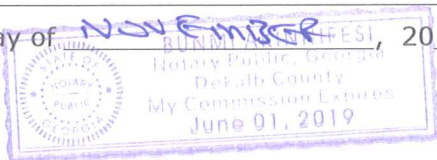
**\* Notary:**

Sworn to and subscribed before me this 2ND Day of NOVEMBER, 20 16

Notary Public: SUNMI AKINNIYESI

Signature: [Signature]

My Commission Expires: 06/01/2019



# SPECIAL LAND USE PERMIT APPLICATION



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

### \* Applicant Information:

Company Name:	Lang Real Estate Services		
Contact Name:	Jacob Lang		
Address:	504 N Ash Street, Springfield, GA 31329		
Phone:	912 655 3438	Fax:	770 368 1944
	Email: jacob@langcre.com		
Pre-application conference date (required):	May 13, 2016		

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

Owner's Name:	DAVCHEV, INC		
Owner's Address:	5465 Chamblee Dunwoody Rd, Dunwoody, GA 30338		
Phone:	Fax:	Email:	

### \* Property Information:

Property Address:	5465 Chamblee Dunwoody Rd	Parcel ID:	18 366 07 008
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I hereby certify that to the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

Applicant's Name:	Jacob Lang		
Applicant's Signature:		Date:	12/6/16

### \* Notary:

Sworn to and subscribed before me this	6 <sup>th</sup>	Day of	December	20	16
Notary Public:	Jessica Claire English				
Signature:					
My Commission Expires:	02/15/2020				

**Jessica Claire English**  
**NOTARY PUBLIC**  
 DeKalb County, GEORGIA  
 My Comm. Expires  
 02/15/2020

### \* Owner Affidavit:

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

Property Owner's Name:	_____		
Property Owner's Signature:	_____	Date:	_____

### \* Notary:

Sworn to and subscribed before me this	_____	Day of	_____	20	_____
Notary Public:	_____				
Signature:	_____				
My Commission Expires:	_____				

# 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:**

Signature:	<i>David T Bailey</i>	Date:	<i>12-1-16</i>
Address:	<i>5465 Chamblee Dunwoody Rd Dunwoody, Ga 30338</i>		

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:**

Signature: <i>[Handwritten Signature]</i>	Date: <i>12/6/2016</i>
Address: <i>504 N. KSH STREET, SPRINGFIELD, GA 31529</i>	

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

Date	Government Official	Official Position	Description	Amount



5185 Peachtree Parkway, Suite 240  
 Norcross, Georgia 30092  
 o | 770.368.1399  
 f | 770.368.1944  
 w | www.fg-inc.net

### Letter of Intent

The applicant is applying for a Special Land Use Permit in accordance with Sec 27-97 (I) in order to modify the regulations for the Dunwoody Village Overlay. This application is submitted for the construction a restaurant/retail building in place of the existing fuel/service station located at 5465 Chamblee Dunwoody Road. The application includes a request to provide up to four and one-half (4.5) parking spaces per 1,000 SF of building floor area, a request to reduce the minimum required building frontage located in the “Build-to-Zone”, and to modify and reduce the required “Pedestrian Buffer Zones” along the side and rear of the building. The applicant intends to submit this SLUP application without the need to apply for a variance to the underlying zoning code by meeting all building setbacks and maximum lot coverage requirements. The site plan currently illustrates a building which does not encroach into the side building setback; however, the applicant may choose to apply for a building setback encroachment variance at a later date. The current site plan meets the regulations for maximum lot coverage and utilizes compact parking stalls, not exceeding 40% of the total parking.

### Zoning Criteria

- a. Whether the proposed use is consistent with the policies of the comprehensive plan;  
*The site is located in the Dunwoody Village Character Area designated in the Comprehensive Plan with a vision for a center of community focused on pedestrian amenities, functional open space, architectural amenities, connectivity and place making. The proposed use is for local retail sales and restaurants intended to serve the community. The plan incorporates sidewalks and patios to promote pedestrian connectivity and functional open space. The use is consistent with the comprehensive plan.*  
*Further, the site lies within the Village Center Mixed-Use District of the Future Land Use Plan. The Village Center Mixed-Use District is designed for redevelopments with “Walkable” storefront character and new storefront retail. The proposed use is consistent with these designs.*
- b. Whether the proposed use complies with the requirements of this zoning ordinance;  
*The site is currently zoned C-1 (Local Commercial), located in the Dunwoody Village Overlay District. The Local commercial district is designed to provide convenient local retail shopping and to accommodate uses to serve the service needs of groups of neighborhoods. The proposed use will comply with the land uses designated for Local Commercial, and complies with the zoning ordinances for C-1 Local Commercial. This application of Special Land Use Permit is requested pursuant to Chapter 27, Article II, Division 4, Sec. 27-97(I) which permits the modification and adjustment of the zoning ordinances specified for the Dunwoody Village Overlay. The proposed use will comply with the requirements of the zoning ordinances for the Dunwoody Village Overlay with the exception of the following: Providing parking in excess of 3 spaces per 1,000 square feet of floor area, providing pedestrian buffer zones on the side and rear of the building less than ten feet in width, providing a minimum percentage of the building in the Build-to-Zone less than eighty percent.*

- c. Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;  
*The site will provide adequate land area for the proposed use, and the site will provide open space meeting the zoning ordinance and will provide adequate off street parking for the proposed use.*
- d. Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:  
*The land uses of the adjacent properties include local retail shopping, grocery stores, banks, pharmacies, and restaurants. The proposed use of local retail and restaurants will be compatible with the adjacent properties and land uses.*
- e. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;  
*The proposed use is local retail and restaurants. No adverse impacts to adjoining lands by reason of noise, smoke, odor, dust or vibration is anticipated.*
- f. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;  
*The proposed use is local retail and restaurants and will have hours of operation compatible with the adjoining land uses.*
- g. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;  
*The proposed use of local retail and restaurants matches that of the adjoining land uses. The manner of operation of the proposed use will be compatible with adjoining land uses.*
- h. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;  
*The character and volume of traffic for the proposed use of retail and restaurants will be compatible with the traffic character and traffic volume demands of similar uses on adjoining properties.*
- i. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;  
*The size, scale, and massing of the proposed building will be consist with that of the adjacent and nearby lots and buildings.*
- j. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;  
*No known historic buildings, sites, districts, or archaeological resources are known to exist on the property and the proposed plan does not have intention to adversely affect the same.*
- k. Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use;



*The demand for public facilities to service the proposed use of retail and restaurants will be consistent with that of the adjoining land uses. The existing public facilities in the area should be adequate for the proposed use.*

- l. Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;

*The site plan for the proposed use provides adequate means of ingress and egress for the retail and restaurant use. The site plan illustrates a full access driveway along Chamblee Dunwoody Road, and utilizes internal access points to the adjoining shopping center. The driveway along Chamblee Dunwoody is an existing driveway which is proposed to be improved with additional pedestrian oriented features, and the internal access points to the adjoining shopping center are located within existing deeded access easements.*

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

*The site plan provides for a dumpster enclosure which will contain two dumpsters and will be adequate for the proposed use.*

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

*The proposed building height is currently designed to be 25' tall. There will be no negative shadow impacts on adjoining lots or buildings.*

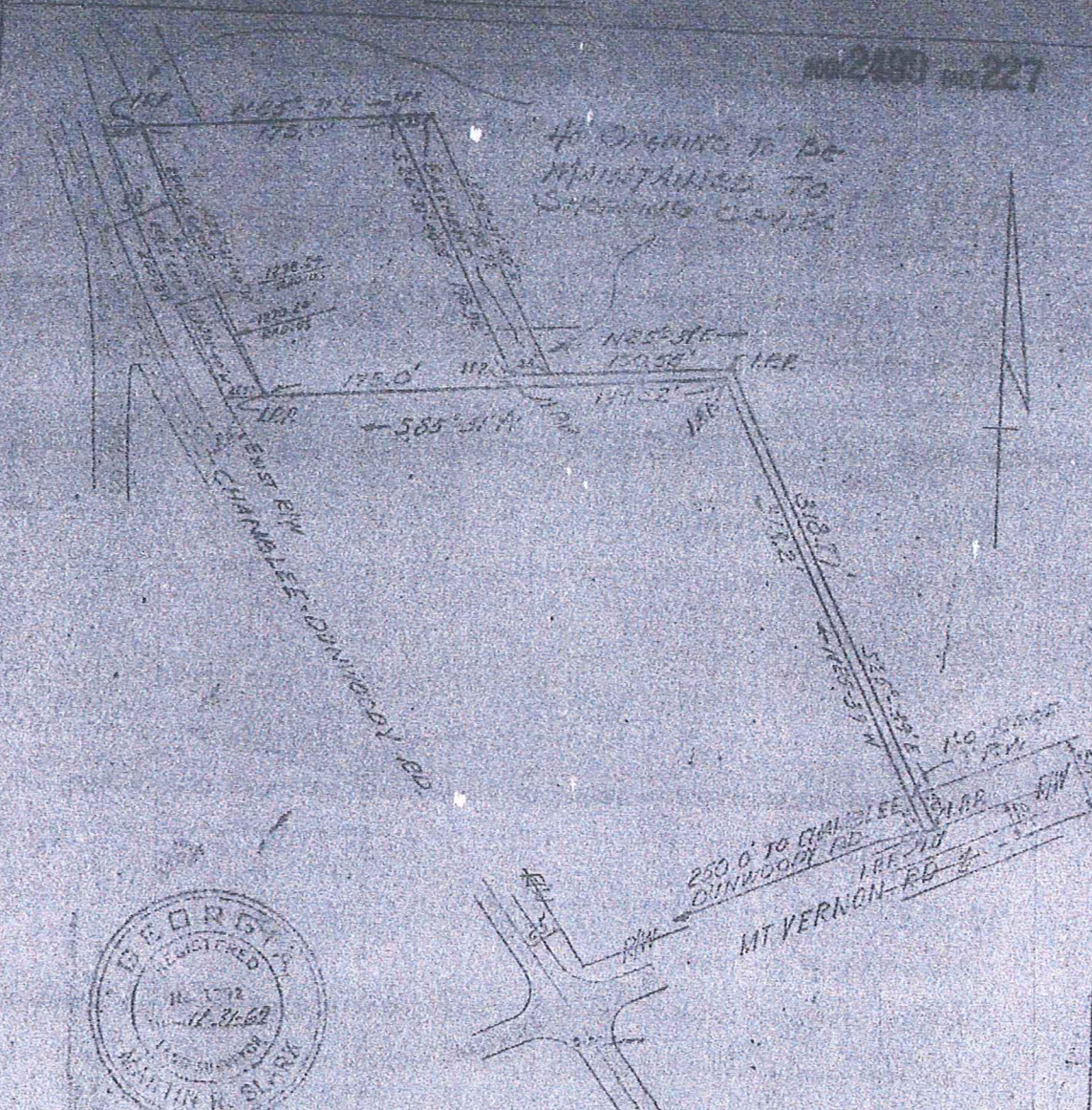
EXHIBIT "A"

all that tract or parcel of land lying and being in Land Lot 366 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING start at an iron pin on the northwestern right-of-way of Mt. Vernon Road (at which point the right-of-way of said road is 50 feet) two hundred fifty (250) feet northeasterly from the intersection of the northwestern right-of-way of Mt. Vernon Road and the northeasterly right-of-way of Chamblee-Dunwoody Road (at which point of intersection Chamblee-Dunwoody Road has a 50-foot right-of-way) as measured along the northwestern right-of-way of Mt. Vernon Road; running thence north  $25^{\circ}39'$  west twenty-five (25) feet to an iron pin located on the northwestern right-of-way of Mt. Vernon Road and the point of beginning (which iron pin is located 50 feet northwesterly from the center line of Mt. Vernon Road); from said point of beginning run north  $25^{\circ}39'$  west three hundred eighteen and two tenths (318.2) feet to an iron pin; thence south  $85^{\circ}31'$  west one hundred forty-nine and fifty-two hundredths (149.52) feet to an iron pin; continuing south  $85^{\circ}31'$  west one hundred seventy-five (175) feet to an iron pin located on the northeastern right-of-way of Chamblee-Dunwoody Road (at which point the northeastern right-of-way of Chamblee-Dunwoody Road is located 50 feet northeasterly from the center line of said road); running thence northwesterly along the northeastern right-of-way of Chamblee-Dunwoody Road (which northeastern right-of-way of said road is located 50 feet northeasterly from the center line of said road) and following the curvature thereof a distance of two hundred and two tenths (200.2) feet to an iron pin, said arc being subtended by a chord having a bearing of north  $26^{\circ}31'40''$  west a distance of two hundred (200) feet with a radius of twelve hundred seventy-three and twenty-four hundredths (1273.24) feet, said radius point lying to the northeast; running thence north  $85^{\circ}31'$  east one hundred seventy-five (175) feet to an iron pin; thence south  $26^{\circ}31'40''$  east one hundred ninety-eight and ninety-two hundredths (198.92) feet to an iron pin; thence north  $85^{\circ}31'$  east twenty-five (25) feet to an iron pin; thence north  $85^{\circ}31'$  east one hundred twenty-five and fifty-five hundredths (125.55) feet to an iron pin; thence south  $25^{\circ}39'$  east three hundred eighteen and seventy-nine hundredths (318.79) feet to an iron pin on the northwestern right-of-way of Mt. Vernon Road (at which point the northwestern right-of-way of said road is located 50 feet northwesterly from the center line of said road); thence southwesterly along the northwestern right-of-way of Mt. Vernon Road (which northwestern right-of-way is located 50 feet northwesterly from the center line of said road) one (1) foot to an iron pin and point of beginning, as per survey prepared by Martin R. Stark, Registered Surveyor, captioned "Survey of Property for Standard Oil Co., Inc." dated September 13, 1969, revised October 14, 1969, November 10, 1969, and November 23, 1969, and recorded in Plat Book 54, page 35 DeKalb County Records.

2490 227

40 OILS ARE TO BE MAINTAINED TO STANDING OILS



SURVEY OF PROPERTY FOR  
STANDARD OIL CO. INC.  
L.L. 366 18th DIST.  
DEKALB Co. GA.  
15-SEPT-1969 1"=100'

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED ACCORDINGLY WITH THE MINOR SURVEYING ACT AND RELATED LAWS OF THE STATE.

Walter W. Slyer  
 REGISTERED PROFESSIONAL SURVEYOR

RECORDED JAN 26 1970

Walter W. Slyer CLERK

REV. 10-22-69  
 REV. 10-NOV. 69  
 REV. 10-14-69



5185 Peachtree Parkway, Suite 240  
Norcross, Georgia 30092  
o | 770.368.1399  
f | 770.368.1944  
w | www.fg-inc.net

November 30, 2016

City of Dunwoody  
Attn: City Planner  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346  
John.Olson@dunwoodyga.gov

RE: Neighbor Communication Summary Report  
Application for Special Land Use Permit  
5465 Chamblee Dunwoody Road

To Whom It May Concern:

The applicant conducted an applicant-initiated meeting in accordance with Chapter 27, Section 27-306 to educate the applicant and neighbors about one another's interests prior to the submittal of the application. Written notifications were sent via first class mail on November 9, 2016 to all owners of residentially zoned property within 1,000 feet of the boundaries of the subject property. The written notification is attached below as well as the list of notified property owners. A written publication was also placed in the Dunwoody Crier, and is attached below. The applicant-initiated meeting was held at 6:00 pm on November 29, 2016, at the Dunwoody Branch of the DeKalb County Public Library. No neighbors attended the meeting, and there was no discussion, suggestions, or concerns raised by neighbors at the meeting. No specific changes to the proposal were considered as a result of the applicant-initiated meeting. A sign-in sheet of the attendees is attached below.

Thank you for your time and consideration.

Sincerely,  
**FORESITE GROUP, INC.**

David Stoniecki  
Land Development Division Director

November 9, 2016

RE: Community Meeting  
Application for Special Land Use Permit  
5465 Chamblee Dunwoody Road

To Whom It May Concern:

An application for a Special Land Use Permit for the property located at 5465 Chamblee Dunwoody Road. The property is currently zoned C-1 Local Commercial and is within the Dunwoody Village Overlay District. The application will include a request to provide up to four and one-half parking spaces per 1000 SF of floor area, a request to reduce the required "Build-to-Zone", and to adjust the "Pedestrian Buffer Zones" required on the side and rear of the building.

Community Meeting

Date: Tuesday, November 29<sup>th</sup>, 2016

Time: 6:00 pm – 7:00 pm

Place: DeKalb County Public Library – Dunwoody Branch  
5339 Chamblee Dunwoody Rd  
Dunwoody, GA 30338

**What is a Community Meeting?** The purpose of this community meeting is to help inform applicants and neighbors about one another's interests, and provide an opportunity to ask questions, to identify any concerns, and attempt to resolve these concerns with respect to one another's interests.

Thank you for your time and consideration.

Sincerely,  
**FORESITE GROUP, INC.**

David Stoniecki  
Land Development Division Director

cc: City of Dunwoody, City Planner  
City of Dunwoody  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346

Parcel ID	Site Address	Owner	Mail Address	Mail City/State/Zip	Zoning	Tax District
18 366 08 021	1313 VILLAGE TERRACE CT	ASHWORTH HOMEOWNERS ASSO	1750 FOUNDERS PKWY	ALPHARETTA GA 30009	RM-HD	50
18 366 04 098	1201 VILLAGE TERRACE CT	TSUBOKAWA NORIO & TSUBOKAWA TAKAKO	1201 VILLAGE TERRACE CT	DUNWOODY GA 30338	RM-100	50
18 366 04 064	1284 VILLAGE TERRACE CT	ASHWORTH HOMEOWNERS ASSO	1465 NORTHSIDE DR NW	ATLANTA GA 30318	RM-100	50
18 366 04 095	1207 VILLAGE TERRACE CT	NEALE LOUISE J	1207 VILLAGE TERRACE CT	DUNWOODY GA 30338	RM-100	50
18 366 04 096	1205 VILLAGE TERRACE CT	THOMPkins FRANCES W	1205 VILLAGE TERRACE CT	DUNWOODY GA 30338	RM-100	50
18 366 06 061	1530 DUNWOODY VILLAGE PKWY	CQ DUNWOODY VILLAGE COURT LLC	1530 DUNWOODY VILLAGE PKWY	DUNWOODY GA 30338	RM-100	50
18 366 06 065	1536 DUNWOODY VILLAGE PKWY	C Q DUNWOODY VILLAGE COURT LLC	1532 DUNWOODY VILLAGE PKWY	DUNWOODY GA 30338	RM-100	50
18 366 04 051	1214 VILLAGE TERRACE CT	BRAXTON JR THOMAS M & BRAXTON JULIA M	1214 VILLAGE TER CT	DUNWOODY GA 30338	RM-100	50
18 366 04 097	1203 VILLAGE TERRACE CT	HELPMAN JENNIFER	1203 VILLAGE TERRACE CT	DUNWOODY GA 30338	RM-100	50
18 366 01 018	1548 MOUNT VERNON RD	DUNWOODY UNITED METHODIST	1548 MOUNT VERNON RD	DUNWOODY GA 30338	R-150	50
18 366 05 004	5385 CHAMBLEE DUNWOODY RD	BELLSOUTH	PO BOX 182333	COLUMBUS OH 43218	R-100	50
18 366 05 037	1400 JOBERRY CT	HILL JOSEPH	1400 JOBERRY CT	DUNWOODY GA 30338	R-100	50
18 366 01 021	5052 CHAMBLEE DUNWOODY RD	DUNWOODY UNITED METHODIST	1548 MOUNT VERNON RD	DUNWOODY GA 30338	R-100	50
18 366 04 008	1547 MOUNT VERNON RD	DUNWOODY BRANCH VENTURE LLC	PO BOX 1290	WINSTON SALEM NC 27	O-I-T	50
18 366 06 090	1720 MOUNT VERNON RD	INGLIMA ASSOCIATES LLLP	3520 GOLDENROD DR	ALPHARETTA GA 30005	O-I	50
18 366 06 060	1730 MOUNT VERNON RD	1730 MOUNT VERNON ROAD LLC	3756 LAVISTA RD	TUCKER GA 30084	O-I	50
18 366 06 075	1710 MOUNT VERNON RD	INLAND AMERICAN ST PORTFOLIO	2901 BUTTERFIELD RD	OAK BROOK IL 60523	O-I	50
18 366 05 057	1707 MOUNT VERNON RD	GA C-STORE INC		DUNWOODY GA 30338	O-I	50
18 366 04 020	1555 MOUNT VERNON RD	MT VERNON REAL ESTATE HOLDINGS LLC	2406 MT VERNON RD	DUNWOODY GA 30338	O-I	50
18 366 05 053	2398 MOUNT VERNON RD	MOUNT VERNON CONDOMINIUM ASSOC	2398 MOUNT VERNON RD	ATLANTA GA 30338	O-I	50
18 366 05 056	1705 MOUNT VERNON RD	1705 LLC	1707 MOUNT VERNON RD	DUNWOODY GA 30338	O-I	50
18 366 07 013	1660 MOUNT VERNON RD	SOUTHTRUST BANK FSB	PO BOX 2609	CARLSBAD CA 92018	CR-1	50
18 366 03 001	5450 CHAMBLEE DUNWOODY RD	MORGAN DOUGLAS HUNT	5450 CHAMBLEE DUNWOODY RD	DUNWOODY GA 30338	C-2	50
18 366 07 059	1551 DUNWOODY VILLAGE PKWY	UNITED STATES POSTAL SERVICE	1735 N BROWN RD	LAWRENCEVILLE GA 300 C-1 / O-I		50
18 366 07 071	1449 DUNWOODY VILLAGE PKWY	KEYWORTH BANK	11655 MEDLOCK BRIDGE RD	JOHNS CREEK GA 30097	C-1 / O-I	50
18 366 07 068	1441 DUNWOODY VILLAGE PKWY	CIVIC CENTER PARTNERS LTD	101 PROSPECT AVE	SAUSALITO CA 94965	C-1 / O-I	50
18 366 07 010	1630 MOUNT VERNON RD	KERKER PROPERTIES MOUNT VERNON	771 JUNIPER ST NE	ATLANTA GA 30308	C-1 / O-I	50
18 366 07 069	1648 MOUNT VERNON RD	DUNWOODY/MSB LLC & BB&T PROPERTY TAX DEF	PO BOX 1290	WINSTON SALEM NC 27	C-1 / O-I	50
18 366 07 004	5471 CHAMBLEE DUNWOODY RD	BRANCH/HOP ASSOCIATES L P	PO BOX 790830	SAN ANTONIO TX 78279	C-1 / O-I	50
18 366 05 070	1647 MOUNT VERNON RD UNIT 200	CARMICHAEL BENJAMIN W JR & BRASHER GREGG	1647 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 04 021	1575 MOUNT VERNON RD	MPB LIMITED PARTNERSHIP	PO BOX 888467	ATLANTA GA 30356	C-1	50
18 366 07 008	5465 CHAMBLEE DUNWOODY RD	DAVCHEV1 INC	5465 CHAMBLEE DUNWOODY RD	DUNWOODY GA 30338	C-1	50
18 366 05 068	1651 MOUNT VERNON RD UNIT 200	MT VERNON DUNWOODY RE LLC	10825 STROUP RD	ROSWELL GA 30075	C-1	50
18 366 05 008	5397 CHAMBLEE DUNWOODY RD	PLUNKETT LEE W	8340 KENNINGSTON WAY	DULUTH GA 30097	C-1	50
18 366 07 070	1333 DUNWOODY VILLAGE PKWY	GY DUNWOODY CORPORATION	4051 RIDGEHURST DR SE	SMYRNA GA 30080	C-1	50
18 366 01 013	5490 CHAMBLEE DUNWOODY RD	LAUKIEN DIRK	24 WATERWAY AVE	THE WOODLANDS TX 77	C-1	50
18 366 01 024	5050 NANDINA LN	TAHOE VENTURES INC	1535 MASTERS CLUB DR	ATLANTA GA 30350	C-1	50
18 366 07 073	5455 CHAMBLEE DUNWOODY RD	DUNWOODY PRESERVATION TRUST	PO BOX 888658	DUNWOODY GA 30356	C-1	50
18 366 01 016	5064 NANDINA LN	AMACHER RAMONA & AMACHER WILLIAM C	5636 ROBERTS DR	DUNWOODY GA 30338	C-1	50
18 366 01 006	5532 CHAMBLEE DUNWOODY RD	US REGENCY RETAIL I LLC	P O BOX 790830	SAN ANTONIO TX 78279	C-1	50
18 366 07 067	1343 DUNWOODY VILLAGE PKWY	LEFEVRE MEURICE E & LEFEVRE PEGGY J	790 PERSHING RD	RALEIGH NC 27608	C-1	50
18 366 05 010	1611 MOUNT VERNON RD	RONDO PROPERTIES LLC	1611 MOUNT VERNON RD	ATLANTA GA 30338	C-1	50
18 366 01 002	5506 CHAMBLEE DUNWOODY RD	MANHATTAN CHAMBLEE DUNWOODY	5064 ROSWELL RD	ATLANTA GA 30342	C-1	50
18 366 03 003	1594 MOUNT VERNON RD	FAIRBURN ROAD PROPERTIES INC	1018 COWAN RD	GULFPORT MS 39507	C-1	50
18 366 01 022	1244 DUNWOODY VILLAGE PKWY	MOONBEAM TRUST & ELLIOTT PAMELA P AS TRUS	1244 DUNWOODY VILLAGE PKWY	DUNWOODY GA 30338	C-1	50
18 366 01 017	5054 NANDINA LN	AMACHER RAMONA & AMACHER VERA JOYCE	5636 ROBERTS DR	DUNWOODY GA 30338	C-1	50
18 366 04 006	1567 MOUNT VERNON RD	MPB LIMITED PARTNERSHIP	PO BOX 888467	ATLANTA GA 30356	C-1	50
18 366 07 066	1317 DUNWOODY VILLAGE PKWY	BRANCH/HOP ASSOCIATES L P	PO BOX 780830	SAN ANTONIO TX 78279	C-1	50
18 366 05 011	5395 CHAMBLEE DUNWOODY RD	PLUNKETT LEE W	8340 KENNINGSTON WAY	DULUTH GA 30097	C-1	50
18 366 04 005	5418 CHAMBLEE DUNWOODY RD	PDS MT VERNON LLC	1830 COLLAND DR NW	ATLANTA GA 30318	C-1	50
18 366 01 003	5528 CHAMBLEE DUNWOODY RD	FOWLER ENTERPRISES INC	230 CANAL BLVD	PONTE VEDRA FL 32082	C-1	50
18 366 07 065	5561 CHAMBLEE DUNWOODY RD	LENOX DUNWOODY LLC	6095 LAKE FORREST DR NW	ATLANTA GA 30328	C-1	50
18 366 01 014	5470 CHAMBLEE DUNWOODY RD	GARNER CICERO JR & MORGAN DOUGLAS W	PO BOX 20783	MIAMI FL 33102	C-1	50
18 366 05 009	5419 CHAMBLEE DUNWOODY RD	PETROLEUM REALTY I LLC	801 ARTHUR GODFREY RD	MIAMI BEACH FL 33140	C-1	50
18 366 05 054	1625 MOUNT VERNON RD	KERKER AND ANTEBI LLC	771 JUNIPER ST NE	ATLANTA GA 30308	C-1	50
18 366 01 001	5500 CHAMBLEE DUNWOODY RD	PEACHTREE SHOPS OF DUNWOODY LLC	3425 DULUTH PARK LN	DULUTH GA 30096	C-1	50
18 366 05 073	1637 MOUNT VERNON RD 100	SMITH & BRIGGS LLC	1637 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 05 072	1643 MOUNT VERNON RD UNIT 200	1643 MOUNT VERNON LLC	1643 MOUNT VERNON RD	ATLANTA GA 30338	C-1	50
18 366 05 067	1651 MOUNT VERNON RD 100	CLARIDA WILLIAM D	1651 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 05 071	1643 MOUNT VERNON RD 100	1643 MOUNT VERNON LLC	1643 MOUNT VERNON RD	ATLANTA GA 30338	C-1	50
18 366 05 069	1647 MOUNT VERNON RD 100	CARMICHAEL BENJAMIN W JR & BRASHER GREGG	1647 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 05 066	1633 MOUNT VERNON RD UNIT 200	EBS OF GA LLC	1637 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 05 074	1637 MOUNT VERNON RD UNIT 200	SMITH & BRIGGS LLC	1637 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 07 072	1425 DUNWOODY VILLAGE PKWY	FIDELITY NATIONAL BANK	160 CLAIREMONT AVE	DECATUR GA 30030	C-1	50
18 366 01 004	5540 CHAMBLEE DUNWOODY RD	U S REGENCY RETAIL I LLC	PO BOX 790830	SAN ANTONIO TX 78279	C-1	50
18 366 07 011	5571 CHAMBLEE DUNWOODY RD	NEUSE INCORPORATED	PO BOX 27131	RALEIGH NC 27611	C-1	50
18 366 07 005	1614 MOUNT VERNON RD	PMT PARTNERS XIII LLC	1585 KAPIOLANI BLVD	HONOLULU HI 96814	C-1	50
18 366 04 019	5400 CHAMBLEE DUNWOODY RD	WARREN GEORGE T II	150 W WARRENVILLE RD	NAPERVILLE IL 60563	C-1	50
18 366 01 015	5468 CHAMBLEE DUNWOODY RD	GARNER CICERO JR & MORGAN DOUGLAS W	PO BOX 20783	MIAMI FL 33102	C-1	50
18 366 01 019	1259 DUNWOODY VILLAGE PKWY	U S REGENCY RETAIL I LLC	PO BOX 790830	SAN ANTONIO TX 78279	C-1	50
18 366 01 007	5518 CHAMBLEE DUNWOODY RD	MANHATTAN CHAMBLEE DUNWOODY	PO BOX 421515	ATLANTA GA 30342	C-1	50
18 366 05 003	1637 MOUNT VERNON RD	DUNWOODY EXCHANGE CONDOMINIUM	1637 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50
18 366 05 065	1633 MOUNT VERNON RD 100	EBS OF GA LLC	1637 MOUNT VERNON RD	DUNWOODY GA 30338	C-1	50

# OBITUARIES



Dr. Al Grindon

**Alfred Joseph Grindon**, MD, 78, died Wednesday, Nov. 16, 2016.

He is preceded in death by his loving parents Julia Murray Grindon and Arthur St. Leger Grindon, and by his brother Leger Grindon, Jr.

He is survived by Joan, his wife of 55 years, his son Alfred (Carri); his daughter Marianne (Jim); his son Stephen (Tonya); his daughter Katherine; his sister Carolyn (Harry); grandchildren Claire, Lucy, James, Sophie, Meg, Ashleigh, Emma, and Henry; many nieces and nephews, and countless friends and colleagues.

Born and raised in St. Louis, Al met his wife, Joan Wavering, while attending the Saint Louis University School of Medicine. He later specialized in clinical pathology and transfusion medicine, serving at the NIH and Johns Hopkins Hospital. From 1977 to 2000, he was director of blood services at the American Red Cross in Atlanta. He was also professor of pathology and laboratory medicine at Emory University, and taught at Grady

Memorial Hospital. He served on the Board of Directors and executive committee of the American Association of Blood Banks. He received blood banking's highest honors, the AABB's John Elliot Award and the Red Cross's Charles Drew Award.

He had a passion for learning and sharing his love of learning with others. Even after his retirement, he found ways to continue learning and teaching. Most recently, he was an ESL instructor with Catholic Charities. Teaching these students brought him great joy.

Al was a renaissance man with countless interests. He was an avid tennis player and counted his partners among his closest friends. He loved making music, both at home and at church; he was a founding member of All Saints Catholic Church where he served as a lector and song leader.

He also loved to travel. He and Joan recently returned from a trip to Greece where he was finally able to "sail the wine-dark sea." He loved the beach; the house he and Joan had on St. George Island was one of his favorite places. His greatest joy, however, was his family.

A funeral Mass was held Monday, Nov. 21 at All Saints Catholic Church.

In lieu of flowers, please con-

sider a donation to St. Vincent de Paul, Cristo Rey Atlanta Jesuit High School, or Catholic Charities Atlanta- Adult Education Program.

\*\*\*

**Dr. James Stephen Gray**, 75, passed away Nov. 11, 2016.

James Stephen Gray is survived by his wife of 54 years,



Dr. James Gray

Susan Horton Gray; his children James Stephen Gray, Jr. and Stephanie Gray; and her spouse

William Brian Williamson; his grandchildren, James Joseph Ahrendt, Sarah Louise Gray, Alexander Jacob Williamson and Benjamin Andre Williamson; great grandson Connor James Ahrendt; and brother Ralph Edward Gray, Jr.

A memorial service at Fellowship Bible Church in Roswell was held Nov. 19.

In lieu of flowers, the family kindly requests donations made to Fellowship Bible Church care of the benevolence fund or LOGOI at logoi.org. Online condolences may be expressed at csog.com.

# A new start for single mom and her family

A group of local real estate agents and local companies came together to support a single mom and first-time home buyer for a fresh start on her journey for the American Dream.



Realtor John Scott (l) helped Sarah Harris purchase a home for her family.

Sarah Harris lived in an older home that fallen into disrepair. The owner was a trust management company that was preparing to remodel or demolish the home so Sarah was going to be forced to move. She dreamed of moving to a safer area with the right schools for her two children, Nathan, 6, and Daniel, 11, but Sarah could only afford a home in the \$100,000 price range. Even then she needed help with qualifying. As everything seemed impossible, her prayers were about to be answered.

Sarah met John Scott, a Realtor from Berkshire Hathaway HomeServices Georgia Properties. He was able to find a unique property that had been taken off the market. Even though the property was a "fixer upper" John saw the potential and advised Sarah through the negotiations to get the property under contract.

John realized that Sarah essentially had no furniture or furnishings for the new home,

so he began a local campaign by word of mouth and social media to ask for assistance. Other real estate agents and employees in the Dunwoody office got involved and they got local businesses involved. People volunteered to clean, paint, provide furniture and furnishings. Just before the closing, Sarah was evicted from her home and a local hotel offered a free room to her family. Again, the seemingly impossible came together.

None of this was planned – it just happened as good people came together to support someone in need. It also shows the power of social media. Sarah and her family will always have special memories of this Thanksgiving holiday season. Monday, Nov. 21 – the day the American dream of home ownership came true for her family.

## Public Notice

There will be a neighborhood meeting regarding an application for a Special Land Use Permit for the property located at 5465 Chamblee Dunwoody Road for the purpose of redeveloping the existing fuel/service station into a facility with restaurant and retail uses. Meeting to be held on Tuesday, November 29th at 6:00 PM at the Dunwoody Library, 5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338"



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LE JACQUARD • NEST • THYMES • TRADITIONS • VAGABOND HOUSE • CALAISIO

Name	E-mail	Address
RANNIE KUIZICH	rannie.kuize@cityofdunwoody.com	CITY OF DUNWOODY (411 Pennekamp Center E)
Alex Deitch	alexdeitch@gmail.com	3344 Peachtree Rd. Unit 3405, Atlanta, GA 30326
Jacob Lang	jacoblang@langcre.com	504 N. Ash Street, Springfield, GA 31529
DAVID STONIECKI	dstoniecki@fg-inc.net	5185 PEACHTREE PKWY, NORCROSS, GA 30092
CONNOR PATON	CPATON@FG-INC.NET	5185 PEACHTREE PKWY, NORCROSS, GA 30092 SUITE 210



# CONCEPTUAL REVIEW APPLICATION

# Dunwoody

Smart people. Smart city.

\* **Applicant Information:**

Company Name LANG REAL ESTATE SERVICES LLC  
Contact Name JACOB LANG  
Address 504 N ASH STREET SPRINGFIELD GEORGIA 31329  
Phone 912 655 3438 Fax n/a Email jacob@LangCRE.com

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

Owner's Name DAVCHEV1 INC  
Owner's Address 5465 CHAMBLEE DUNWOODY RD. DUNWOODY GA 30338  
Phone 770 363 3438 Fax n/a Email DAVCHEV1@GMAIL.COM

\* **Property Information:**

Property Address 5465 CHAMBLEE DUNWOODY RD Parcel ID 18 366 07 008  
Description of Project Redevelopment of existing service station into a local retail shopping center

\* **Applicant Affidavit:**

I hereby certify that to the best of my knowledge, this application is true, correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials requested by the City of Dunwoody, Georgia. I certify that the applicant is different from another applicant from the same parcel pursuant to this application and associated fees.

Applicant's Name Jacob E. Lang  
Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

\* **Notary:**

Sworn to and subscribed before me this \_\_\_\_\_ Day of April, 2018

Notary Public Brandon Cornwell

Signature [Signature]

My Commission Expires 9-28-2018



\* **Owner Affidavit:**

I hereby certify that to the best of my knowledge, this application is true, correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials requested by the City of Dunwoody, Georgia. I certify that the applicant is different from another applicant from the same parcel pursuant to this application and associated fees.

Property Owner's Name David T. Bailey

Property Owner's Signature [Signature] Date \_\_\_\_\_

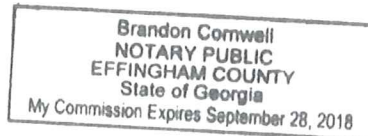
\* **Notary:**

Sworn to and subscribed before me this \_\_\_\_\_ Day of April, 2018

Notary Public Brandon Cornwell

Signature [Signature]

My Commission Expires 9-28-2018

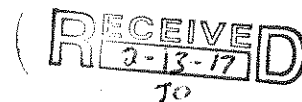


# SCHULTEN WARD TURNER & WEISS



ATTORNEYS AT LAW

A LIMITED LIABILITY PARTNERSHIP



Writer's Direct 404-688-6802  
[k.ward@swtwlaw.com](mailto:k.ward@swtwlaw.com)

February 9, 2017

John Olson, AICP  
 Planning Manager  
 City of Dunwoody, Georgia  
[John.olson@dunwoodyga.gov](mailto:John.olson@dunwoodyga.gov)

**RE: LEGAL OPINION LETTER:** Proposed Redevelopment of 5465 Chamblee Dunwoody Road, Dunwoody, Georgia 30338 (the "Property") | Our File No. 4722.019

Dear Mr. Olson:

This firm represents Lang Real Estate Services LLC, a Georgia limited liability company ("Lang"). As you are aware, Lang is under contract to purchase the Property and redevelop it from a Chevron service station to a multi-tenant retail building (the "Redevelopment"). We have received and reviewed that certain Planning Commission Memorandum dated January 10, 2017 (the "Planning Memorandum") which approves such Redevelopment and proposes that Dunwoody City Council ("City Council") adopt its recommendation and approve the same. We have further received and reviewed that certain letter dated February 3, 2016 from Kathryn M. Zickert, Esq. to Lang, expressing opposition to the proposed Redevelopment by Regency Centers ("Regency"), the adjacent landowner to the Property (the "Regency Objection"). This legal opinion is being furnished in anticipation of Regency opposing the City Council's approval of the Redevelopment at the meetings scheduled for February 13, 2017 and February 27, 2017 (the "Meetings"). As such, the opinion is limited to those matters raised in the Regency Objection. As set forth herein, the legal arguments set forth in the Regency Objection are wholly meritless and there is no colorable argument that Regency is entitled to enjoin, frustrate, or in any manner condition the Redevelopment.

The Property lies adjacent to the Dunwoody Village shopping center (the "Shopping Center") that is operated by Regency. The Property and Shopping Center are subject to that certain Easement Agreement dated January 7, 1970 and recorded in Deed Book 2499, Page 228, DeKalb County, Georgia Records (the "Easement Agreement"). The Easement Agreement provides for reciprocal access easements across the Property and Shopping Center to allow one another's patrons to use and cross over the other's property (the "Easements"). Regency takes the position that it was the "intent" of the original parties to the Easement Agreement that the Easements were made in consideration of each property having a complimentary use (i.e. service station and shopping

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center), not a competitive use (i.e. retail shopping center and retail shopping center). According to the Regency, the elimination of a complimentary use and the Redevelopment of a competitive use would “void and extinguish the access rights currently enjoyed by the [Property].”

This Opinion Letter addresses two main issues which are at the heart of the Regency Objection. First, would the Redevelopment extinguish the Easement Agreement or otherwise invalidate its terms (“Issue 1”)? The clear answer is no. The Easement Agreement does not prohibit Lang from its proposed Redevelopment and such Redevelopment does not extinguish the Easements. Second, what other legal implications may the Redevelopment have with regards to the Easement Agreement (“Issue 2”)? In order to frustrate or enjoin Lang’s proposed Redevelopment, Regency will have to prove that the Redevelopment “adversely affects, or substantially or materially interferes” with its use and enjoyment of the Easements. Based on the site drawings for the Redevelopment, it is clear that Regency will continue to have access over the Property such that traffic does not have to exit and reenter via Chamblee Dunwoody Road as intended under the Easement Agreement. Consequently, such Redevelopment will not adversely affect, or substantially or materially interfere with Regency’s use of the Shopping Center and its enjoyment of the Easements.

### *Issue 1*

As an initial matter, the Easement Agreement does not contain a restriction on either party’s development of their respective parcels. The contrary position taken by Regency in the Regency Objection is wholly baseless. The Easement Agreement makes reference to the “anticipated” development of the Service Station and Shopping Center but in no way ties that development to the survival of the Easements or the enforceability thereof. Nevertheless, even if Lang were to concede that the Easement Agreement contained a restriction on the development of the Property, such restriction has been extinguished by operation of law.

Georgia courts have reviewed agreements that mirror the language of the subject Easement Agreement and found that such agreements are comprised of two parts: (i) non-exclusive easements for pedestrian, vehicular, access, ingress and egress; and (ii) a restrictive covenant which extinguishes by operation of law twenty (20) years after its creation pursuant to O.C.G.A. § 44-5-60. See Davista Holdings, LLC v. Capital Plaza, Inc., 321 Ga. App. 131, 741 S.E.2d 266 (2013) (hereinafter “Davista”); Double Branches Ass’n, Inc. v. Jones, 331 Ga. App. 159, 770 S.E.2d 252 (2015) (hereinafter “Double Branches”). In *Davista*, the Court addressed an almost identical set of facts to those at issue here. Specifically, a landowner was seeking a declaratory judgment that the portion of its easement agreement with its neighboring landowner constituted a restrictive covenant on its development thereof and had extinguished by law pursuant to O.C.G.A. § 44-5-60. The *Davista* Court examined the language of the easement at issue and found that it contained two distinct elements: (i) an affirmative right to a non-exclusive easement for vehicular and pedestrian egress and ingress which existed in perpetuity and ran with the land; and (ii) a restriction against developing a portion of the property for anything other than a driveway,

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 Dunwoody, Georgia 30338  
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thoroughfare or parking lot which terminated by operation of law after twenty (20) years. See Davista, 321 Ga. App. at 324, 741 S.E.2d at 270. The Court reasoned that “an easement differs from a restrictive covenant in that it only requires the servient tenant not to interfere with the reserved rights of the dominant owner; a restrictive covenant, on the other hand, generally sets limits upon the use of the subject property.” Id. Per O.C.G.A. § 44-5-60(b), restrictive covenants of this nature “shall not run for more than 20 years” and extinguish by operation of law if not expressly renewed. In its analysis, the *Davista* Court cited the “general rule” that the owner of land has the right to use it for “any lawful purpose, and Georgia law does not favor restrictions on private property.” Id.; see also Double Branches (portion of easement which restricted landowners from certain development deemed restrictive covenant which expired by “O.C.G.A. § 44-560(b)’s 20-year automatic termination period”).

Based upon the clear guidance of *Davista* and *Double Branches*, there is no merit to Regency’s position that Lang is prohibited from the Redevelopment per the terms of the Easement Agreement (as any such restriction, if it were to exist, has expired) and there is no merit that the Easements granted thereunder would be “void” if Lang undertook the Redevelopment (as such easements run in perpetuity).

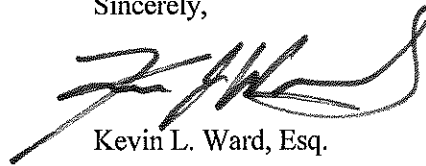
### *Issue 2*

Regency may additionally argue that the Redevelopment would “adversely affect, or substantially or materially interfere with” its use of the Easements (the “Affect Standard”) thereby entitling it to enjoin the Redevelopment. In examining the site plans for the Redevelopment, the plans still provide for vehicular and pedestrian access, ingress and egress from the Shopping Center over the Property to Chamblee Dunwoody Road per the Easement Agreement. There is no evidence or colorable argument that the Redevelopment would extinguish such access or rise to a level which would meet the Affect Standard. Indeed, Courts which have examined such arguments have created a high standing in proving that the complaining party has satisfied the Affect Standard. See Daiss v. Bennett, 273 Ga. App. 784, 616 S.E.2d 114 (2004) (hereinafter, “Daiss”); Upson v. Stafford, 205 Ga. App. 615, 422 S.E.2d 882 (1992) (hereinafter “Upson”). In *Daiss*, a property owner brought an action to enjoin its neighbor’s proposed construction which it argued would encroach and narrow the access road shared under their easement. The Court reviewed the evidence and held that “a 15% reduction in the width of the road...presents no evidence that the slight narrowing would impede or prevent the traffic flow or interfere with the intended use of the [easement].” Daiss, 273 Ga. App. 784 at 787, 616 S.E.2d at 116. The *Daiss* Court therefore affirmed the trial court’s judgment denying the injunction sought. Similarly, the *Upson* Court relied on the general rule that “the grantor may construct buildings or other improvements on the land which do not substantially interfere with the enjoyment of the easement previously granted.” Upson, 205 Ga. App. at 616, 422 S.E.2d at 884. In invoking the Affect Standard, the *Upson* Court held that the construction of a drainage ditch along the portion of the access easement would not interfere with the complaining party’s use or any of its right in the easement. Id.

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Again, based upon the clear guidance of *Daiss* and *Upson*, there is no merit that the Redevelopment would rise to the level of satisfying the Affect Standard entitling Regency to enjoin the Redevelopment. For the reasons set forth herein, there is no colorable legal argument that would permit Regency to enjoin or otherwise frustrate the Redevelopment. Moreover, any such action would be a civil action outside the scope of the duties charged to City Council in adopting the recommendation set forth in the Planning Commission Memorandum. If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over a horizontal line.

Kevin L. Ward, Esq.

cc: Jacob Lang (via email)

**From:** David Stoniecki  
**To:** [John Olson](#)  
**Cc:** [jacob@LangCRE.com](mailto:jacob@LangCRE.com)  
**Subject:** Dunwoody - Chevron  
**Date:** Thursday, February 16, 2017 11:04:36 AM

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John,

We are requesting a two-week deferral of our SLUP application so that we have enough time to compile a response to the points raised during the City Council meeting on Monday 2/13.

As you mentioned, please let me know if you need a representative from the applicant side to be at the Feb 27<sup>th</sup> meeting to formally request a deferral to the City Council.

We will be prepared to be heard at the March 13<sup>th</sup> City Council hearing.

Thank you John,

**DAVID STONIECKI** PE

*Land Development Division Director*



**FORESITE GROUP, INC.** [www.fg-inc.net](http://www.fg-inc.net)

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