



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

**MEMORANDUM**

To: City Council

From: Madalyn Smith, Senior Planner

Date: July 13, 2026

Subject: RZ 26-01, SLUP 26-01, and Concurrent Variances –  
4725 Ashford Dunwoody Road, Parcel ID# 18 350 01 167

**REQUEST**

The Kroger Co. requests a rezoning to modify the zoning conditions for the property to allow the development of a grocery store with an associated gas station; a Special Land Use Permit for a drive-through pharmacy; and 4 concurrent variances to allow relief from design standards for drive-throughs and gas stations, streetscape requirements, and pedestrian circulation requirements.

**APPLICANT**

Property Owner: WRI Retail Pool I, L.P.	Petitioner: The Kroger Co.	Representative: Laurel David, The Galloway Law Group
--	-------------------------------	--

**PLANNING COMMISSION, 5.12.2026**

During the May 12, 2026 public hearing, three residents spoke in opposition to the project, citing concerns over noise from truck deliveries, the appropriate delivery times, environmental concerns related to the gas station, and security on the property. The Commission discussed the allowable hours for truck deliveries, site lighting, security, and parking lot layout. The Planning Commission unanimously recommended approval, with Commissioners Cameron, Edmundson, Moss, Shin, and Wallach voting in favor of the request, subject to staff conditions and four additional conditions:

1. Truck deliveries are allowed on weekdays from 6 am to 11 pm and on weekends from 7 am to 11 pm.
2. Restrict or close the driveway to the gas station, closest to the signalized Meadow Lane intersection.
3. Additional safety considerations at the ingress and egress to the drive-through.
4. Additional security cameras and lighting to be provided on site.

In response to the Planning Commission feedback, the applicant submitted an updated site plan to address the additional condition #2 & 3 and submitted a Camera Plan to address additional conditions #4. Staff updated the recommendation of approval to incorporate the Commission’s recommendation. These conditions are highlighted in yellow on page 9.

## BACKGROUND & PROPOSED DEVELOPMENT



Fig. 1, Aerial view of subject site

The subject site is a 16.87 acre parcel, currently developed with a 1-story, 183,500 SF commercial building and 626-space surface parking lot. The subject building is vacant. It is part of the Perimeter Village Shopping Center, which also includes the adjacent parcels (Parcel ID # 18 350 01 018 & 18 350 01 172).

The subject site was originally rezoned in 1993, CZ 93054, as part of a major development which included the shopping center, multi-family housing, and single-family housing. In 2004, CZ 04-094, the subject site was specifically rezoned to accommodate a rear addition and updates to the signage for the former Walmart store. Both rezoning cases have conditions applicable to the subject site.

The purpose of the rezoning is to update the governing site plan and conditions to accommodate a new grocery store tenant within the existing building and a new gas station. The applicant has provided a set of proposed conditions in their application (see Appendix A) and provided a document detailing which conditions are not being carried over from the 1993 & 2004 zoning cases (see Appendix B).

Additionally, the applicant is requesting a Special Land Use Permit to allow a drive-through pharmacy at the front of the store and concurrent variances. The applicant is also requesting a Major Master Sign Plan to accommodate a new sign package, MMSP 26-01 (see separate agenda item for the report).



the turn radius to make it easier for cars to enter and exit the drive-through. This drive-through crosses the main east-west pedestrian circulation route across the site connecting both sides of the retail establishment; staff recommends strongly the ingress and egress be returned to the original width to shorten the crosswalks and to encourage cars to enter and exit with caution from the drive-through and protect the pedestrians from car movements.

The site currently has 626 existing surface parking spaces with 20 landscape islands with no protected pedestrian path from either Meadow Lane or Ashford Dunwoody Road. The applicant proposes to make site improvements that will add a pedestrian connection from Meadow Lane to the subject building, add 11 landscape islands, reduce the surface parking to 526 spaces, add 18 bike parking spaces and dedicate an easement for a trail along the rear property line. The pedestrian circulation plan does not include a connection to the adjacent retail building to the east at 4715 Ashford Dunwoody Road, prompting a variance request from Sec. 27-209. The applicant is not proposing to update the streetscape on Meadow Lane; this request is supported by the Public Works Director but requires a variance from Sec. 27-98(b)(6). The property owner and Public Works Department are currently working towards finalizing the easement area for the trail easement agreement.

**SURROUNDING LAND ANALYSIS**

Direction	Zoning	Future Land Use	Current Land Use
N	RM-HD/R-50	Perimeter/Suburban Neighborhood	Multi-family/Single-family residential
S	CR-1	Perimeter	Mixed-Use
E	C-1/R-50	Perimeter	Commercial/ Single-family residential
W	C-1	Perimeter	Commercial

**ZONING AMENDMENT REVIEW AND APPROVAL CRITERIA**

Chapter 27, Section 27-335 identifies criteria for evaluating applications for zoning amendments. No application for an amendment shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- (7) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposal includes the re-use of an existing shopping center for a new 117,736 SF grocery store and an associated drive-through pharmacy and gas station. In the 2045 Comprehensive Plan the subject site is within the Perimeter Transition character area; this area is intended to provide “neighborhood-serving commercial” uses, with medium/heavy commercial uses allowed if specially approved. The grocery store and gas station uses are technically permitted by-right with the C-1 zoning district; however under the existing conditions, the applicant cannot develop this project by-right.

The adopted conditions are extensive and specific to a previous tenant, creating a challenge for other tenants to operate on this site. This has prompted a rezoning request to adopt a new site plan for the subject site and to update the conditions; the existing conditions were adopted under Dekalb County in 1993 and 2004 for a significantly larger retail tenant with a specific business model. Since the adoption of these conditions the previous tenant has left, the City was incorporated and developed a new 2045 Comprehensive Plan, and the City of Dunwoody has a new vision for the Perimeter Center.

The grocery store will operate within the same building but with a smaller footprint, with the addition of a gas station along Meadow Lane. The applicant is specifically requesting to remove the condition that restricts gas stations on the site. The gas station is approximately 330 feet from residential uses and should not impact any adjacent residential or commercial properties via traffic or noise. The applicant is also specifically requesting to remove the condition related to the restriction on delivery times. There are no other grocery stores that operate under a restriction on delivery times within Dunwoody; the original condition was put in place on a significantly larger retail tenant that utilized the entire building footprint and moved a much larger volume and variety of items. The other remaining conditions from the 1993 and 2004 rezoning are immaterial, being either already satisfied or are elements of site design that should be dictated by the current zoning ordinance and proposed site plan.

The proposed grocery store is an appropriate re-use of the existing building and staff finds that the updated conditions, the proposed site improvements, and the trail dedication are constructive changes that bring the site into further compliance with the 2045 Comprehensive Plan and zoning ordinance.

**SPECIAL LAND USE PERMIT REVIEW AND APPROVAL CRITERIA**

Chapter 27, Section 27-359 identifies criteria for evaluating applications for special land use permits. No application for special land use permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the proposed use is consistent with the policies of the comprehensive plan;
- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
  - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;

- b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
- c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
- e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
- f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

- (5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
- (7) Whether adequate provision has been made for refuse and service areas; and
- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

The subject site is zoned C-1 with conditions, which permits retail and pharmacy uses by-right. Drive-throughs, which are considered as a separate use, require a Special Land Use Permit. The applicant proposes to modify the front façade of the existing building, which sits approximately 550 feet from Meadow Lane and 1,100 feet from Ashford Dunwoody Road, with a drive through lane that runs parallel to the building to accommodate a proposed pharmacy pick-up window associated with the proposed grocery tenant. The drive-through lane would be partially screened with vegetation and the pick-up window protected by a small canopy.

The pharmacy drive-through is part of an overall re-use project of the existing building which would split the building into two smaller tenant suites and would be an incremental change to the larger shopping center that reduces surface parking and improves pedestrian access to the subject site. The location and design of the drive-through is intended to work with the existing conditions. Due to this, the drive-through does not necessarily meet all the design requirements within the Perimeter Center Overlay; those design requirements are intended more for free-standing drive-throughs for uses such as restaurants and banks that are built to the street. This proposed drive-through would be significantly setback from the street and any aesthetic or operational impacts from the drive-through are not visible to the street and contained entirely to the subject site. To better meet the Perimeter Center overlay standards the applicant could move the drive-through to the western side of the building; staff recommends this drive-through be moved to the western side of the building.

Overall, the purpose of requiring a Special Land Use Permit for a drive-through is to ensure the appropriateness of the use for the area and maintain high design standards to mitigate adverse impacts such as stacking impeding streets, sidewalks, and other properties, typical car-centric development that does not consider alternative modes of transportation, and excessive asphalt. The drive-through is intended to compliment the pharmacy use which would be a benefit to residents in and around the Perimeter character area and the drive-through would have no impacts to the adjacent streets or

property. The applicant is also making significant improvements to the site that will improve pedestrian access to the interior of the site and reduce surface parking.

### REVIEW AND APPROVAL CRITERIA

Chapter 27, §27-397 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

- (1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

The applicant requests 4 concurrent variances to allow relief from design standards for drive-throughs (Sec. 27-98(d)(7)) and gas stations (Sec. 27-98(d)(8)), streetscape requirements (Sec. 27-98(b)(6)), and pedestrian circulation requirements (27-206). The necessity for the concurrent variances is due to the existing conditions of the site. The applicant is re-using an existing development and retrofitting the site with two new uses, the drive-through and gas station.

The drive-through does not meet the design requirements of the code due to its location along the front façade. The design requirements are intended for stand-alone drive-throughs that are built along a street; they are intended to minimize the impacts aesthetically and operationally to the public by putting the drive-through behind a building. Although the proposed drive-through does not meet the strict requirements of the regulations, it does meet the intent. Due to the location at the front of the building which is setback 550 feet from Meadow Lane on the 16.87 acre site, the drive-through will not impact the public streets in any negative impact. The subject development is also large enough to absorb any operational impacts on-site.

The gas station does not meet the design requirements of the code, due to the operation of the proposed grocery tenant's gas station model and significant grade separation. The design requirements are specific to a model of gas station that includes a large convenience store operation. It requires the building portion to be built to the street with pedestrian access and pushes the canopy behind the store. This specific model does not include a convenience store; additionally pulling the small kiosk to the street is not realistic; the existing site has a significant grade separation from Meadow Lane.

The proposed project is part of a larger shopping center development, however, it is located on two other parcels. Street frontage improvements would only apply along a small portion of the overall Perimeter Village development adjacent to Meadow Lane Rd. Additionally the Perimeter Center Overlay frontage requirements are intended for redevelopments where new buildings are constructed

along the street; this project is largely utilizing an existing building and site design. The Public Works Director is supportive of allowing the existing streetscaping to remain. The property owner is proposing to mitigate the variance request with an alternative improvement by providing an easement along the rear of the property for future trail development by the City of Dunwoody.

The applicant is proposing significant improvements to the pedestrian circulation on-site by constructing a new connection from Meadow Lane to the subject building, as well as new crosswalks. However, the applicant is retrofitting the existing parking lot which presents challenges to fully meeting the circulation requirements.

Overall, staff finds that the strict application of the zoning ordinance presents significant practical difficulty to the applicant due to the nature of retrofitting the existing site conditions. Although the applicant does not fully meet the requirements of the code, site is significantly improved with additional pedestrian access, new landscape islands, additional tree plantings, and the property owner providing a trail easement.

### **PUBLIC COMMENTS**

Staff received 1 public comment via email requesting limitations on truck deliveries and lighting, requesting additional buffering and screening, and proposed truck circulation. Please see Appendix C for the complete comments.

### **DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

Based on the above analysis and findings, staff has determined that the requested rezoning meets the requirements of Chapter 27, §27-335, 27-359, & 27-397. Therefore, Staff recommends that applications RZ 26-01, SLUP 26-01 and 4 Concurrent Variances be approved subject to the following exhibits and conditions:

Exhibit A: Site plan prepared by Robertson, Loia, Roof, PC and dated March 16, 2026

Exhibit B: Elevations prepared by Robertson, Loia, Roof, PC and dated March 19, 2026

Exhibit C: Trail Easement Agreement \*DRAFT\*

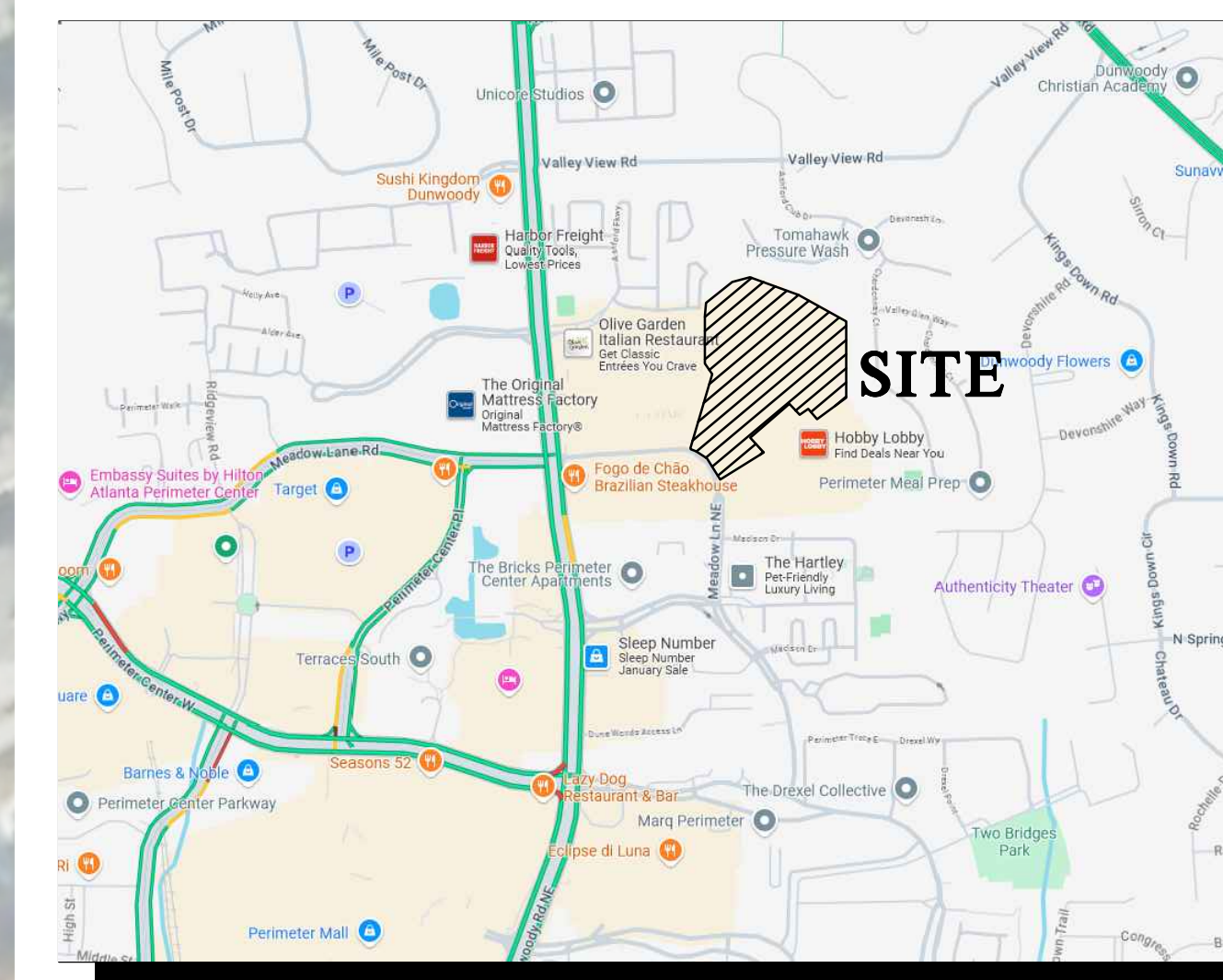
#### **Exhibit D: Camera Plan**

1. Development of the site shall be substantially consistent with the site plan prepared by Robertson, Loia, Roof, PC and dated March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
2. Architectural characteristics of building façade to be substantially consistent with elevation prepared by Robertson, Loia, Roof, PC and dated March 19, 2026.
3. Applicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy. Dead or diseased trees found upon said inspection and any inspection in the future shall be replaced with new three-inch caliper, large deciduous trees from the General tree list in Sec. 16-116 of the Code of Ordinances. Any proposed trees that are not listed in Sec. 16-116 are subject to the review and approval of the City Arborist.
4. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy and shall be replaced if found dead or dying.
5. Maximum square footage of retail space for this shopping center tract shall not exceed 185,000 SF.
6. Temporary Outdoor sales shall be allowed as per the regulations in the Zoning Ordinance.
7. There shall be no overnight parking of RVs or campers in the parking lot.
8. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.

9. Property owner shall provide a floating easement on the subject property and adjacent property (Parcel ID: 18 350 01 172) to accommodate future trail development for the trail marked as W3 in the Dunwoody Trail Master Plan. See Exhibit C. This agreement shall be signed and recorded prior to the issuance of a Certificate of Occupancy.
10. The applicant shall utilize “cart keeper” technology to prevent shopping carts from being taken off site. This system shall be installed prior to the issuance of a Certificate of Occupancy.
11. Prior to the issuance of a Building Permit, the applicant shall provide a lighting plan demonstrating compliance with Section 27-250 of the zoning ordinance, except that the applicant shall be allowed to utilize the existing light poles with modifications to the light fixtures, as required by the code.
12. Truck deliveries are limited to the following allowable time windows: Monday-Friday from 6am to 11 pm and Saturday and Sunday from 7 am to 11 pm.
13. The applicant shall install outdoor security cameras as shown in Exhibit D.
14. The distance of the pedestrian crossings of the drive-through lane shall be shortened to the extent shown on the original plans, submitted March 3, 2026.

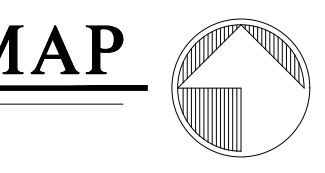
#### ATTACHMENTS

- Appendix A: Applicant’s Proposed Conditions
- Appendix B: Changes to 1993 & 2004 Conditions
- Appendix C: Public Comments
- Exhibit A: Site Plan
- Exhibit B: Elevations
- Exhibit C: Trail Easement Agreement
- Exhibit D: Camera Plan
- RZ 26-01, SLUP 26-01, and Concurrent Variances Application



**VICINITY MAP**

SCALE: NONE



**LEGEND**

- EXISTING TREE/SHRUB TO REMAIN
- PROPOSED TREE/SHRUB
- EXISTING LANDSCAPING
- PROPOSED LANDSCAPING
- EXISTING PARKING LOT PAVEMENT
- EXISTING SIDEWALK / CONCRETE
- PROPOSED SIDEWALK / CONCRETE
- EXISTING BUILDING
- PROPOSED BUILDING AREA
- EXISTING DETENTION POND

**ZONING SUMMARY**

ZONING TYPE	C-1 (LOCAL COMMERCIAL)
MIN STREET SETBACK*	50 FT
MIN INTERIOR SIDE SETBACK	20 FT
MIN REAR SETBACK	30 FT

\*SETBACK FACING FRONT AND SIDE STREET(S)

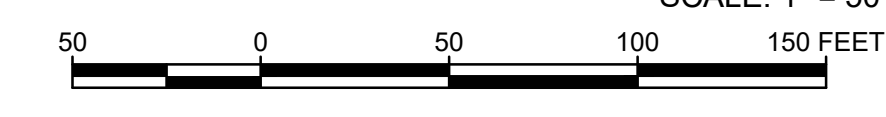
**SITE ANALYSIS**

EXISTING BUILDING AREA	186,975 S.F.
EXISTING GARDEN CENTER AREA	14,492 S.F.
KROGER BUILDING AREA	117,736 S.F.
TENANT BUILDING AREA	65,945 S.F.
TOTAL BUILDING AREA	183,681 S.F.
TOTAL PROPOSED PARKING	526 SPACES
PARKING RATIO	2.86 SPACE/M.S.F.
EXISTING PARKING	626 SPACES
EXISTING PARKING	3.41 SPACE/M.S.F.
EXISTING PARCEL AREA	16.87 AC

	FRONTAGE DEPTH	STREET BUFFER	SIDEWALK	BICYCLE	YARD TREATMENT	BLDG/PKG LOCATION
EXISTING CONDITION	40'-0"	1'-0"	4'-0"	5'-0" LANE	35% W/ SCREENING	ADJACENT TO YARD
PARKING EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' W/ SCREENING	ADJACENT TO YARD
ACTIVE EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' YARD OR PATIO	EDGE OF FRONTAGE
BUILDING EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' YARD OR PATIO	EDGE OF FRONTAGE

**REZONING SITE PLAN**

SCALE: 1" = 50'



**ROBERTSON LOJA ROOF**  
**ARCHITECTS & ENGINEERS**  
 3460 Preston Ridge Road, Suite 275, Alpharetta, GA, 30005  
 770.674.2600 / www.rlrc.com  
 GA CON #PE000962 EXP. 06/30/2026

**KROGER MARKETPLACE 011-767**  
 4725 ASHFORD DUNWOODY RD  
 Dunwoody, Georgia  
**THE KROGER COMPANY**  
 3155 WOODBURN BLVD, SUITE 100  
 ALPHARETTA, GA 30022  
 (770) 496-7400

NO.	REVISION	DATE

**REZONING SITE PLAN**

DATE: 06/02/2026

PROJECT NUMBER: 25234

SHEET NUMBER: RZ-1





# Application Form



**Purpose of Application (check all that apply):**

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

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

**Application Information**

Company Name: The Kroger Co.  
 Contact Name: c/o Laurel David, Partner, The Galloway Law Group  
 Address: [REDACTED]  
 Phone: [REDACTED] Email: [REDACTED]  
 Pre-Application Conference Date: 12/1/25

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

Owner's Name: WRI Retail Pool I, L.P.  
 Owner's Address: [REDACTED]  
 Phone: [REDACTED] Email: [REDACTED]

**Property Information**

Property Address(es): 4725 Ashford Dunwoody Rd  
 Parcel ID #(s): 18 350 01 167  
 Total Acreage: +/- 16.87 Current Zoning Classification: C-1c Current Use: commercial building currently vacant

**Project Information**

Proposed Zoning Classification: C-1c Proposed Use: commercial building with grocery and other commercial tenants  
 Project Details: \_\_\_\_\_  
 The Applicant proposes interior and exterior improvements for a portion of the building. The remainder will be available for lease by other tenants. Applicant has filed a SLUP for a drive-through and concurrent variances, mostly to address existing legal non-conformities with the current zoning ordinance

**Applicant Affidavit**

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

Applicant's Name: Kyle R. Grubbs, Senior Counsel of The Kroger Co.  
 Applicant's Signature: [Signature] Date: 2/3/26



**Notary:**

Sworn to and subscribed before me this 3rd Day of march, 2026  
 Notary Public: Renee A. R. Cipriani  
 Signature: Renee A. R. Cipriani  
 My Commission Expires: 11/30/2030



**RENEE A. R. CIPRIANI**  
 Notary Public, State of Ohio  
 My Commission Expires  
 November 30, 2030



# Property Owner(s) Notarized Certification

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

**Property Owner:**  
 Owner Name: WRI Retail Pool I, L.P.  
 Signature: [Signature] MICHAEL OGDEN Date: 3/02/2026  
 Address: [Redacted]  
 Phone: [Redacted] Email: [Redacted]  
 Notary Public: Stacey Carolyn Shade-Rinkus  
 Sworn to and subscribed before me this 2nd Day of March, 2026  
 Notary Signature: [Signature]  
 My Commission Expires: November 5, 2029

STACEY CAROLYN SHADE-RINKUS  
 Notary Public - State of Maryland  
 Anne Arundel County  
 My Commission Expires Nov 5, 2029

**Property Owner:**  
 Owner Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Notary Public: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Signature: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**Property Owner:**  
 Owner Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Notary Public: \_\_\_\_\_  
 Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
 Notary Signature: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

# Applicant Notarized Certification



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

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

**Applicant:**

Name: The Kroger Co. by Kyle R. Grubbs, Senior Counsel

Signature: [Handwritten Signature] Date: 3/3/26



Address: c/o Laurel David, Partner, The Galloway Law Group, 4062 Peachtree Rd., Suite A330, Atlanta GA 30319

Phone: [Redacted] Email: [Redacted]

Notary Public: Renee A.R. Cipriani

Sworn to and subscribed before me this 3rd Day of march, 2026

Notary Signature: Renee A.R. Cipriani

My Commission Expires: 11/30/2030



**RENEE A. R. CIPRIANI**  
Notary Public, State of Ohio  
My Commission Expires  
November 30, 2030

**Applicant:**

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

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

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

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

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

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

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

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

**Applicant:**

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

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

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

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

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

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

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

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



# VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
Phone: (678) 382-6800 | Fax: (770) 396-4828

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

Type:

Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 27-Zoning  
 Code section from which variance is sought: Section 27-73, Interior Side Setback  
 Nature of Request: reduce the interior side setbacks to zero for a parcel in an existing shopping center

### Project:

Name of Project / Subdivision: 4725 Ashford Dunwoody Rd Zoning: C-1c  
 Property Address / Location: 4725 Ashford Dunwoody Rd, Dunwoody GA 30338  
 District: 18 Land Lot: 350 Block: 01 Property ID: 167

### Owner Information:

Owner's Name: WRI Retail Pool I, L.P.  
 Owner's Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### Applicant Information: Check here if same as Property Owner

Contact Name: The Kroger Co., c/o Laurel David, Partner, The Galloway Law Group  
 Address: 4062 Peachtree Rd., Suite A330, Atlanta GA 30319  
 Phone: 404-965-3669 Fax: \_\_\_\_\_ Email: laurel@glawgp.com

### Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: by: The Kroger Co. Kyle R. Grubbs, Senior Counsel  
 Applicant's Signature: [Signature]  Date: 3/3/26

### Notary:

Sworn to and subscribed before me this 3rd Day of March, 2026  
 Notary Public: Renee A. R. Cipriani  
 Signature: Renee A. R. Cipriani  
 My Commission Expires: 11/30/2030



**RENEE A. R. CIPRIANI**  
Notary Public, State of Ohio  
My Commission Expires  
November 30, 2030

### Office Use:

Application Fee Paid  Public Notice Fee Paid (\$ \_\_\_\_\_)  
 Payment:  Cash  Check  CC Date: \_\_\_\_\_  
 Approved  Approved w/ Conditions  Denied Date: \_\_\_\_\_

# ADDITIONAL VARIANCES

## Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
Phone: (678) 382-6800 | Fax: (770) 396-4828

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Section 97-98(d) - General Building Design Criteria</u>
Nature of Request: <u>Variance to the Criteria to address legal non-conformities of the design of the existing building. Applicant will improve the building's appearance without increasing any existing nonconformities.</u>

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Variance to Section 97-98(d)(7) - Fueling Stations</u>
Nature of Request: <u>Variance to waive the requirements to address existing conditions and allow a fueling center canopy with a small kiosk to be added as shown on the site plan. Applicant does not propose a convenience store building</u>

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Section 97-98(d)(8) - Accessory Drive-through Structures</u>
Nature of Request: <u>Variance to allow a pharmacy drive-through at the front of the building to avoid customer conflicts with truck loading dock traffic.</u>

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Section 97-98(b)(6) - Minor Parkway Streetscape</u>
Nature of Request: <u>Variance to allow for the existing streetscape to remain to the extent it does not comply with the zoning code</u>

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Section 27-209 – Pedestrian Circulation</u>
Nature of Request: <u>Variance to waive the requirements to address existing legal nonconformities and to allow Applicant to add</u>

**Type:**

Type of Request: <input type="checkbox"/> Chapter 16-Streams <input type="checkbox"/> Chapter 16-Other <input type="checkbox"/> Chapter 27-Zoning
Code section from which variance is sought: <u>Sections 27-228 and 229 – Parking Lot Interior and Perimeter Landscaping</u>
Nature of Request: <u>Variance to waive the requirements to address existing legal nonconformities and to allow Applicant to add additional landscaping as shown on the site plan</u>



April 6, 2026

VIA EMAIL

Madalyn Smith
Senior Planner
City of Dunwoody
4800 Ashford Dunwoody Road
Dunwoody, Georgia 30338

RE: RZ 26-01, 4725 Ashford Dunwoody Road

Dear Madalyn:

We understand that three variances included in our original request are not necessary as they addressed existing legal non-conformities that are either not changing or not being increased.

Therefore, we request that the following variances be withdrawn from our application:

- 1. Section 27-73, Interior Side Setback
2. Sections 27-228 and 229 - Parking Lot Interior and Perimeter Landscaping
3. Section 97-98(d) - General Building Design Criteria

The variance requests that are still needed are as follows:

- 1. Variance to Section 97-98(d)(7) - Fueling Stations
2. Section 97-98(d)(8) - Accessory Drive-through Structures
3. Section 97-98(b)(6) - Minor Parkway Streetscape
4. Section 27-209 - Pedestrian Circulation

Thank you for your consideration of this request. Let me know if you have any questions

Sincerely,

THE GALLOWAY LAW GROUP, LLC

Handwritten signature of Laurel David

Laurel A. David
[via electronic signature]



# Property Owner(s) Notarized Affidavit

Community Development  
4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
Phone: (678) 382-6800 | Fax: (770) 396-4828

The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

### Property Owner (If Applicable):

Owner Name: WRI Retail Pool I, L.P.

Signature: *[Signature]* MICHAEL OGDEN Date: 3/02/2026

Address: [Redacted]

Phone: [Redacted]

Sworn to and subscribed before me this 2<sup>nd</sup> Day of March, 2026

Notary Public: *[Signature]*

STACEY CAROLYN SHADE-RINKUS  
Notary Public - State of Maryland  
Anne Arundel County  
My Commission Expires Nov 5, 2029

### Property Owner (If Applicable):

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

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

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

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

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

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

### Property Owner (If Applicable):

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

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

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

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

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

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







**LETTER OF INTENT**  
**APPLICATION FOR MODIFICATION OF ZONING CONDITIONS**  
**AND FOR SLUP WITH CONCURRENT VARIANCES**

The Applicant, The Kroger Co., (“Applicant”), requests a Modification of Zoning Conditions and SLUP with concurrent Variances for approximately 16.87 acres of land located at 4725 Ashford Dunwoody Road, (Parcel ID 18 350 01 167) (the “Property”). In September 2004, the Dekalb County Board of Commissioners zoned the Property C-1 with conditions (CZ-04-094), which included a site plan depicting the building and off-site parking that now exist on the Property. The existing building was formerly a Walmart, but it has been vacant for almost a year and a half. The Applicant proposes to renovate part of the existing building for a new grocery store. The purpose of this Modification Application is to request the 2004 site plan be replaced by the Applicant’s proposal, which includes the addition of a fuel center and an increase in landscaping and pedestrian circulation in the existing parking field. The Applicant also requests a Special Land Use Permit (SLUP) for a drive-through for the new grocery’s pharmacy window. The Applicant also requests concurrent Variances, largely to accommodate existing conditions that do not meet current Dunwoody Zoning Ordinance requirements. The Variances are to Sections 97-98(b) and (d) and Sections 27-73, 209, 228 and 229 and are discussed in more detail below.

**The Zoning Modification Request**

The Applicant responds to the following criteria for the granting of zoning modifications:

***a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;***

The requested zoning modification is consistent with the spirit and text of the City’s 2045 Comprehensive Plan. As noted in the Comprehensive Plan, “Perimeter acts as a major urban employment hub, while places like Dunwoody Village and Georgetown are more local job nodes.” (Comprehensive Plan at Page 22). The Applicant’s proposal fulfills most of the priority strategies for Perimeter outlined in the Comprehensive Plan, as follows: 1) being ready and flexible for redevelopment opportunities; 2) promoting job creation; 3) incorporating greenspace through additional landscaping or by keeping existing buffers intact; and 4) improving the pedestrian environment by providing opportunities for easier circulation. (Comprehensive Plan at Page 55).

The Comprehensive Plan assigns the Property to the Perimeter – Transition Character Area (Comprehensive Plan at Page 82) in the Perimeter Future Land Use classification (Comprehensive Plan at Page 73). In the “Vision and Intent” section of the Perimeter – Transition Character Area, it states “At key locations, like the former Walmart shopping center, neighborhood serving commercial and mixed use are encouraged, but should include buffers to protect the adjacent neighborhoods.” (Comprehensive Plan at Page 84). In this case, the Applicant proposes to revitalize the former Walmart shopping center with a new grocery store with a pharmacy drive-through and fuel center to serve the neighborhood, while leaving the existing natural buffers in place. On the Property, the buffers to the single-family homes in the adjacent neighborhood to the north measure from approximately 75-200 feet in width. This is supplemented by the depth of the adjacent lots and additional woods between the Property and the houses. As a result, the Applicant’s proposal provides a suitable transition to nearby and adjacent neighborhoods. The proposed use is appropriate in relation to both the size of the Property and to the size, scale and massing of adjacent and nearby lots in the area and conforms to the recommendations of the Comprehensive Plan.

***b. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;***

Granting the zoning modification requested will permit a use that is suitable in view of the uses and development of adjacent and nearby properties. The building is existing and Applicant’s proposal will allow for additional tenant space for other commercial businesses in the remaining portion of the building. Support of the zoning modification request will allow the Applicant to revitalize the shopping center by activating a large empty building, adding a fuel center for the convenience of nearby residents, and by improving the parking lot with additional pedestrian circulation and landscaping. The Applicant’s proposal will contain a thriving business that will complement existing nearby commercial uses, be beneficial to the economy of the surrounding area, provide an additional grocery store option for nearby and adjacent residents, and provide employment opportunities.

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

The existing zoning of the Property only allows for the existing building that is vacant and the large parking field that was and is underutilized. The building’s size and configuration, both interior and exterior, severely limit it to a small market of potential tenants and, therefore, depresses the economic value of the Property. The zoning modifications are necessary to allow the development of

the Property for an economically viable commercial use. As a result, the Property does not have a reasonable economic use as currently zoned.

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

The proposed use is appropriate in relation to the uses and usability of adjacent and nearby lots in the area. The proposed development will contain a thriving business that will complement existing nearby commercial retail, multi-family and other residential uses, be beneficial to the economy of the surrounding area, provide a commercial use to serve the needs of adjacent and nearby neighborhoods, and provide employment opportunities.

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

The existing zoning of the Property only allows for the existing building that is vacant and the large parking field that was and is underutilized. The building has been vacant for some time, suggesting that its renovation for a new user is limited to a small market of potential tenants. The Applicant proposes to renovate the building and reenergize the shopping center with an active use serving the neighborhood with a new grocery store with a drive-through pharmacy window and a fuel center. Both the drive-through and fuel center have been designed to ensure the safety of their customers and to be aesthetically pleasing. The additional pedestrian circulation and landscaping will help beautify what is now a largely empty parking lot.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on the site.

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

The Applicant's proposal will not cause an excessive or burdensome use of existing streets and transportation facilities as these were able to accommodate a larger big-box retail store that formerly used the site. Similarly, adequate public services, facilities and utilities exist to serve the Property.

## **The SLUP Request**

The Applicant requests a Special Land Use Permit (SLUP) for a drive-through for the new grocery's pharmacy window. The Applicant is proposing to improve the internal pedestrian and motorized circulation to accommodate the proposed use. The Applicant proposes to locate the drive-through window on the building's front façade. The access and stacking lane for the pharmacy window crosses the pedestrian way at two locations and has been designed to provide maximum visibility for pedestrians. A landscaped buffer is provided between the access/stacking lane and the sidewalk to provide a buffer between the stacking lane and pedestrians. Further, the Applicant proposes the placement of the drive-through at this location as there is no safe alternative. See the Variance requested for Section 27-98(d)(8) for a more thorough discussion of the safety concerns created by locating the drive-through at the sides of the building. The Applicant responds to the following criteria for the granting of SLUPS:

***(1) Whether the proposed use is consistent with the policies of the comprehensive plan;***

The requested zoning modification is consistent with the spirit and text of the City's 2045 Comprehensive Plan. The Comprehensive Plan assigns the Property to the Perimeter – Transition Character Area (Comprehensive Plan at Page 82) in the Perimeter Future Land Use classification (Comprehensive Plan at Page 73). In the "Vision and Intent" section of the Perimeter – Transition Character Area, it states "At key locations, like the former Walmart shopping center, neighborhood serving commercial and mixed use are encouraged, but should include buffers to protect the adjacent neighborhoods." (Comprehensive Plan at Page 84). In this case, the Applicant proposes to revitalize the former Walmart building with a new grocery store with a pharmacy drive-through and fuel center to serve the neighborhood, while leaving the existing natural buffers in place. The proposed use is appropriate in relation to both the size of the Property and to the size, scale and massing of adjacent and nearby lots in the area and conforms to the recommendations of the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

***(2) Whether the proposed use complies with the requirements of this zoning ordinance;***

The proposed use complies with the zoning ordinance with the exception of the concurrent Variances requested. The proposed pharmacy drive-through is allowed with the approval of a SLUP. The purposes of the concurrent Variances are largely to accommodate existing conditions that do not

meet current Dunwoody Zoning Ordinance requirements. The Variances are to Sections 97-98(b) and (d) and Sections 27-73, 209, 228 and 229 and are discussed in more detail below.

***(3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;***

The proposed site provides adequate land area for the proposed uses. The Applicant proposes renovating part of the existing building for a new neighborhood-serving grocery store with drive-through pharmacy and fuel center. The location of the drive-through is proposed for the front of the buildings and has been designed with safety in mind. See the Variance requested for Section 27-98(d)(8) for a more thorough discussion of the safety concerns created by locating the drive-through at the sides of the building. The existing impervious area is less than the 80% required maximum. Open space is not required, but the Applicant is further decreasing impervious area with additional landscaping. The Applicant meets all requirements of the subject zoning district with the exception of the interior side setbacks. Additional Variance requests are noted below to address design requirements elsewhere in the Dunwoody Zoning Ordinance. The Variance requests are largely to address existing conditions.

***(4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:***

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

The proposed pharmacy drive-through window will not produce smoke, odor, dust or vibration that will have adverse impacts. Any potential noise emanating from the drive-through will be directed towards the parking lot on the interior of the Property.

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

The hours of use of the drive-through window are typically 8:00 AM or 9:00 AM – 8:00 PM on weekdays with shorter hours on weekends. The pharmacy closes 1:00-1:30pm. The hours are compatible with adjacent uses.

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

The manner of operation is similar to other adjacent and nearby commercial uses and will not create adverse impacts.

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

It is expected that customers using the Pharmacy window will also be customers of the grocery store and other adjacent retail establishments. As a pharmacy, it will not generate a lot of traffic. Neither the character nor volume of traffic will create adverse impacts.

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

As discussed at length above, the size, scale and massing of the building is an existing condition. The Applicant has designed a pharmacy drive-through that is appropriate in size, scale, and massing and is located at the front of the building for safety reasons. See Variance requested for Section 27-98(d)(8).

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

The Applicant is unaware of any historic buildings, sites, districts or archaeological resources on the Property.

***(5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;***

There are adequate public services, facilities and utilities to service the site.

***(6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;***

The site will be served by Meadow Lane, which adequately served the former big-box retail center. The Applicant is proposing to improve the internal pedestrian and motorized circulation to accommodate the proposed use. The stacking and entrance lane for the pharmacy window crosses the pedestrian way at two locations and have been designed to provide maximum visibility for pedestrians. A landscaped buffer is provided between the access lane and the sidewalk to provide a buffer between the stacking lane and pedestrians. The proposed configuration provides adequate means of ingress and egress. Further, the Applicant proposes the placement of the drive-through at this location as there is no safe alternative. The only alternative location is in the west facade of the building. However, the area between the building and the building to the west is not wide enough to allow for two-way access (ingress and egress). Any drive inserted in the area would have to be one-way out towards the parking lot. Access to the window would, therefore, need to be provided from

the rear loading areas of this and adjacent properties. This would create an extreme safety hazard as it would put customers in direct conflict with tractor trailers and large box trucks making deliveries at the rear of this and adjacent buildings. These large trucks will not only require access to the rear drives, but will also be turning and reversing in order to unload at the numerous loading docks at the rear of the buildings. Many of these trucks will have limited visibility while reversing and it may be difficult for them to see cars being driven by confused customers trying to find and position themselves in the drive-through. This puts everyone at risk. These safety hazards do not exist at the front of the building and, therefore, the drive-through provides adequate access with particular reference to nonmotorized and motorized traffic safety, convenience, traffic flow and emergency vehicle access.

***(7) Whether adequate provision has been made for refuse and service areas; and***

The refuse and service areas are mostly existing conditions and will adequately provide for the Applicant's use.

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

The Applicant proposes the existing one-story building to remain. It does not create negative shadow impacts.

**The Variance Requests**

The Applicant is requesting the following variances:

1. Section 27-73 – Interior Side Setback
2. Section 97-98(d) - General Building Design Criteria.
3. Section 97-98(d)(7) - Fueling Stations.
4. Section 97-98(d)(8) - Accessory Drive-through Structures.
5. Section 97-98(b)(6) - Minor Parkway Streetscape.
6. Section 27-209 – Pedestrian Circulation
7. Sections 27-228 and 229 – Parking Lot Interior and Perimeter Landscaping

**Variance to Section 27-73 – Interior Side Setback**

The Applicant requests to reduce the interior side setbacks to zero and responds to the following criteria for the granting of Variances:

- (1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not create a use or manner of operation that will be detrimental. The Property has been part of a larger shopping center for decades without interior side setbacks.

- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The Property currently does not have interior side setbacks. This condition is an existing condition, was not created by the current owner or Applicant, is unique to this property and is not generally applicable.

- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

The Property has always been part of a larger shopping center. Not allowing the existing condition to remain would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's requests do not go beyond the necessary to afford minimum relief given the existing conditions.

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance are consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the

Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Variance to Section 97-98(d), General Building Design Criteria

The Applicant requests a variance to the Building Design Criteria to the extent that the existing building does not conform to the requirements. The current design is existing legal non-conforming. The Applicant proposes to improve the exterior appearance of the building as shown on the attached architectural rendering. These changes will be made to improve the building's appearance without increasing any existing nonconformities. The Applicant responds to the following criteria for the granting of Variances:

***(1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not be detrimental. The building in its existing form has been in place for decades and has not caused detrimental effects. The Applicant proposes to improve the appearance of the building without increasing any existing nonconformities.

***(2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The building currently does not conform to all of the Building Design Criteria, which was adopted many years after it was constructed. This condition is an existing condition, was not created by the current owner or Applicant, is unique to this property and is not generally applicable.

***(3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

Not allowing the existing condition to remain would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

***(4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's request does not go beyond the necessary to afford minimum relief given the existing conditions. The Applicant proposes to approve the appearance of the building without increasing any existing nonconformities.

***(5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

***(6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Variance to Section 97-98(d)(7) - Fueling Stations.

As indicated by this subsection's title, many of these standards were written to apply to a stand-alone building for a gas station building and do not apply in this case. The Applicant is proposing a fuel center as an accessory to an existing building. It will consist of a canopy and a small kiosk for staff use only. Variances are needed to address the existing conditions that cannot be changed to avoid this request, such as accommodating the build-to zone, the location of the parking and the location of the building, canopy and pumps on-site. The Applicant proposes a variance to all of Section 97-98(d)(7) to allow a fuel center design as shown on the attached site plan and architectural rendering. The Applicant responds to the following criteria for the granting of Variances:

***(1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not be detrimental. Allowing this Variance will allow the Applicant to renovate the existing parking lot and building and provide a service for adjacent and nearby residents.

- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The location and design of the fuel center is being driven by existing conditions that were not created by the current owner or Applicant, is unique to this property and is not generally applicable.

- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

As noted above, several of the design criteria are written for gas stations with both convenience stores and fuel pumps. In this case, there is no building, just a canopy and kiosk for staff use only. Not allowing the existing condition to remain would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's request does not go beyond the necessary to afford minimum relief given the existing conditions.

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Variance to Section 97-98(d)(8) - Accessory Drive-through Structures.

The Applicant proposes an accessory drive-through located at the front of the building as there are no alternative options. The only alternative location is in the west facade of the building. However, the area between the building and the building to the west is not wide enough to allow for two-way access (ingress and egress). Any drive inserted in the area would have to be one-way out towards the parking lot would require the demolition of an existing wall that is connected to the building next door that is not under Applicant's control. Access to a pharmacy window at this location would have to be provided from adjacent properties. This would create an extreme safety hazard as it would put customers in direct conflict with tractor trailers and large box trucks making deliveries at the rear of this and adjacent buildings. These large trucks will not only require access to the rear drives, but will also be turning and reversing in order to unload at the numerous loading docks at the rear of the adjacent buildings and the Property. Many of these trucks will have limited visibility while reversing and it may be difficult for them to see cars being driven by confused customers trying to find and position themselves in the drive-through. This puts everyone at risk.

The Applicant proposes a variance to all of Section 97-98(d)(8) to allow a drive-through at the front facade as shown on the attached site plan and architectural rendering. The Applicant responds to the following criteria for the granting of Variances:

***(1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not be detrimental. A location at the front of the building has been used by the Applicant at other locations without detrimental effect. As noted above, the reason the Applicant proposes the drive-through at this location is to be more protective of the safety of the public. In addition, the drive-through is for a pharmacy whose sole purpose is to aid and improve public health and welfare.

***(2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The location of the building, adjacent buildings and loading docks are existing conditions and were not created by the current owner or Applicant. While other properties in the same zoning district also have legal non-conforming conditions, each case is unique and not generally applicable.

- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

The Applicant proposes a pharmacy drive-through at its current the location to accommodate the Property's particular conditions, shape and orientation of the buildings on the Property. Strict application of the zoning ordinance would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's request does not go beyond the necessary to afford minimum relief given the existing conditions. The design and location of the drive-through is reasonable given the safety concerns of the alternative.

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Variance to Section 97-98(b)(6) - Minor Parkway Streetscape

The existing streetscape has the required components (bike lane, street buffer and sidewalk), but the widths do not meet current Minor Parkway Streetscape parking edge option requirements. The Property's frontage along Meadow Lane is less than a third of the length of the shopping center's total frontage on Meadow Lane. More importantly, its location is at a fairly sharp curve on the road.

This makes it impractical to make any modifications to the streetscape at the Applicant's frontage without modifying the streetscape of all of Meadow Lane.

The Applicant proposes a variance to all of Section 97-98(b)(6) to allow the existing streetscape to remain as shown on the attached site plan. The Applicant responds to the following criteria for the granting of Variances:

***(1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

The components of the Minor Parkway Streetscape already exist but not in the required widths. Allowing the existing components to remain at their current widths will not have a detrimental effect to public health, safety or welfare.

***(2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The streetscape is an existing condition and was not created by the current owner or Applicant. While adjacent properties in the same zoning district also have the same legal non-conforming streetscape, the Property is unique as it is the only one whose frontage is at a sharp curve making changes impractical without changes to the entirety of the parkway.

***(3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

While adjacent properties in the same zoning district also have the same legal non-conforming conditions, the Property is unique as it is the only one whose frontage is at a sharp curve making changes impractical without changes to the entirety of the parkway. Strict application of the zoning ordinance would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

***(4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's request does not go beyond the necessary to afford minimum relief given the existing conditions. The Applicant proposes a variance to allow existing widths of the streetscape components to remain.

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

#### Variance to Section 27-209 – Pedestrian Circulation

The parking lot design is an existing condition. The Applicant is adding a pedestrian connection consisting of crosswalk striping and a raised sidewalk with landscaping along the western boundary to connect the building entrance to Meadow Lane, which currently does not exist. A connection between the building on the Property and the adjacent building to the west is provided. However, there is not a connection to the adjacent building to the east that can be provided without removing a landscape island and tree. The Applicant is requesting a variance to the requirement to provide a pedestrian connection to the east. The Applicant also requests a variance to Section 27-209 to allow the existing conditions to remain to the extent that they do not conform to the requirements and are existing legal non-conforming. Applicant proposes the pedestrian circulation as shown on the attached site plan. The Applicant responds to the following criteria for the granting of Variances:

- (1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not be detrimental. The Applicant is proposing improvements to existing conditions to attempt to address deficiencies in pedestrian circulation in the existing design. A sidewalk with landscaping and crosswalk striping will be added to create a connection between Meadow Lane and the front entrance of the building that currently does not exist. The Applicant does not propose a connection to the building to the east, which would require the removal of a tree and

much of a landscape island to create a paved sidewalk no more than 20 feet in length. Overall, the Applicant's proposal promotes public health, safety and welfare and is not injurious to property.

***(2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The conditions are existing and were not created by the current owner or Applicant. While adjacent properties in the same zoning district also have similar legal non-conformities, all cases are different and not generally applicable to other properties in the same zoning district.

***(3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

While adjacent properties in the same zoning district may have similar legal non-conforming conditions, the particular orientation of the building and parking lot on the Property is unique. Strict application of the zoning ordinance would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

***(4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant's request does not go beyond the necessary to afford minimum relief given the existing conditions. The Applicant proposes a variance to allow it to add pedestrian circulation only as shown on the attached site plan.

***(5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

***(6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the

Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Variance to Sections 27-228 and 229 – Parking Lot Interior and Perimeter Landscaping

As discussed above, the parking lot design is an existing condition. The Applicant is adding additional landscape islands, a raised sidewalk along the western boundary, and landscaping, as shown on the site plan. The eastern boundary contains a landscape strip. The parking lot was originally constructed as part of a cohesive shopping center development long before the current landscaping requirements were adopted. The Applicant requests a variance to Section 27-228 and 229 to allow the existing conditions to remain to the extent that they do not conform to the requirements and are existing legal non-conforming and to allow the improvements the Applicant proposes as shown on the attached site plan. The Applicant responds to the following criteria for the granting of Variances:

***(1) The grant of the variances will not be detrimental to the public health, safety or welfare or injurious to property or improvements;***

If granted, the variance will not be detrimental. The design of the parking lot landscaping is an existing condition. As noted above, the Applicant is proposing improvements in an attempt to address deficiencies in the existing design. Applicant's improvements will promote the public health, safety and welfare and the grant of the variance will not be injurious to property.

***(2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;***

The conditions are existing and were not created by the current owner or Applicant. While adjacent properties in the same zoning district may have similar legal non-conformities, all cases are different and not generally applicable to other properties in the same zoning district.

***(3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;***

While adjacent properties in the same zoning district may have similar legal non-conforming conditions, the particular orientation of the building and parking lot on the Property is unique. Strict application of the zoning ordinance would deprive the owner of rights and privileges enjoyed by other similarly situated owners.

***(4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;***

The Applicant’s request does not go beyond the necessary to afford minimum relief given the existing conditions. The Applicant proposes a variance to allow it to add landscaping only as shown on the attached site plan.

***(5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and***

The strict application of the zoning requirements would cause undue hardship given the existing conditions.

***(6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.***

The requested variance is consistent with the spirit and purpose of the zoning ordinance and Comprehensive Plan as already discussed herein. The proposed use will provide a new and convenient grocery store with a pharmacy drive-through and a fuel center to fulfill the retail and service needs of adjacent and nearby residents. This use fulfills the recommendations of both the zoning ordinance and the Comprehensive Plan. For a more thorough discussion of the consistency of the requests to the Comprehensive Plan, please see the above responses to the Modification of Zoning Conditions criteria above.

Because this application request is consistent with the foregoing standards, the Applicant respectfully asks that the Mayor and City Council of the City of Dunwoody grant this Modification of Zoning Conditions, SLUP and the Variances as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel A. David

[via electronic signature]

4062 Peachtree Road, NE, Suite A330  
Atlanta, Georgia 30319





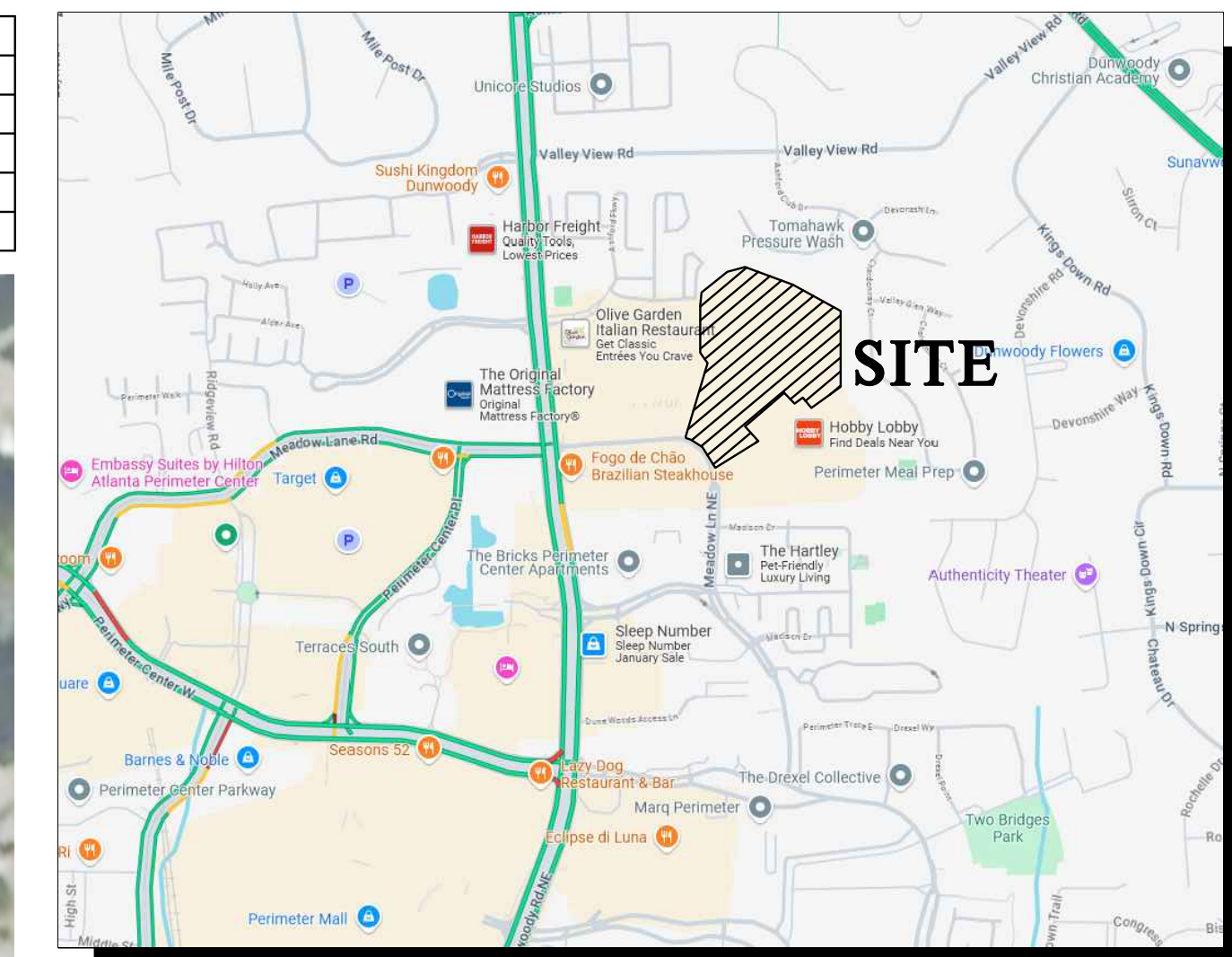


All that tract or parcel of land lying and being in the City of Dunwoody, in Land Lot 350 of the 18<sup>th</sup> District of DeKalb County Georgia, as shown on the Alta/Acsm Land Title Survey for NYL Portfolio Project, Perimeter Village, dated May 19, 2009 and being more particularly described as follows.

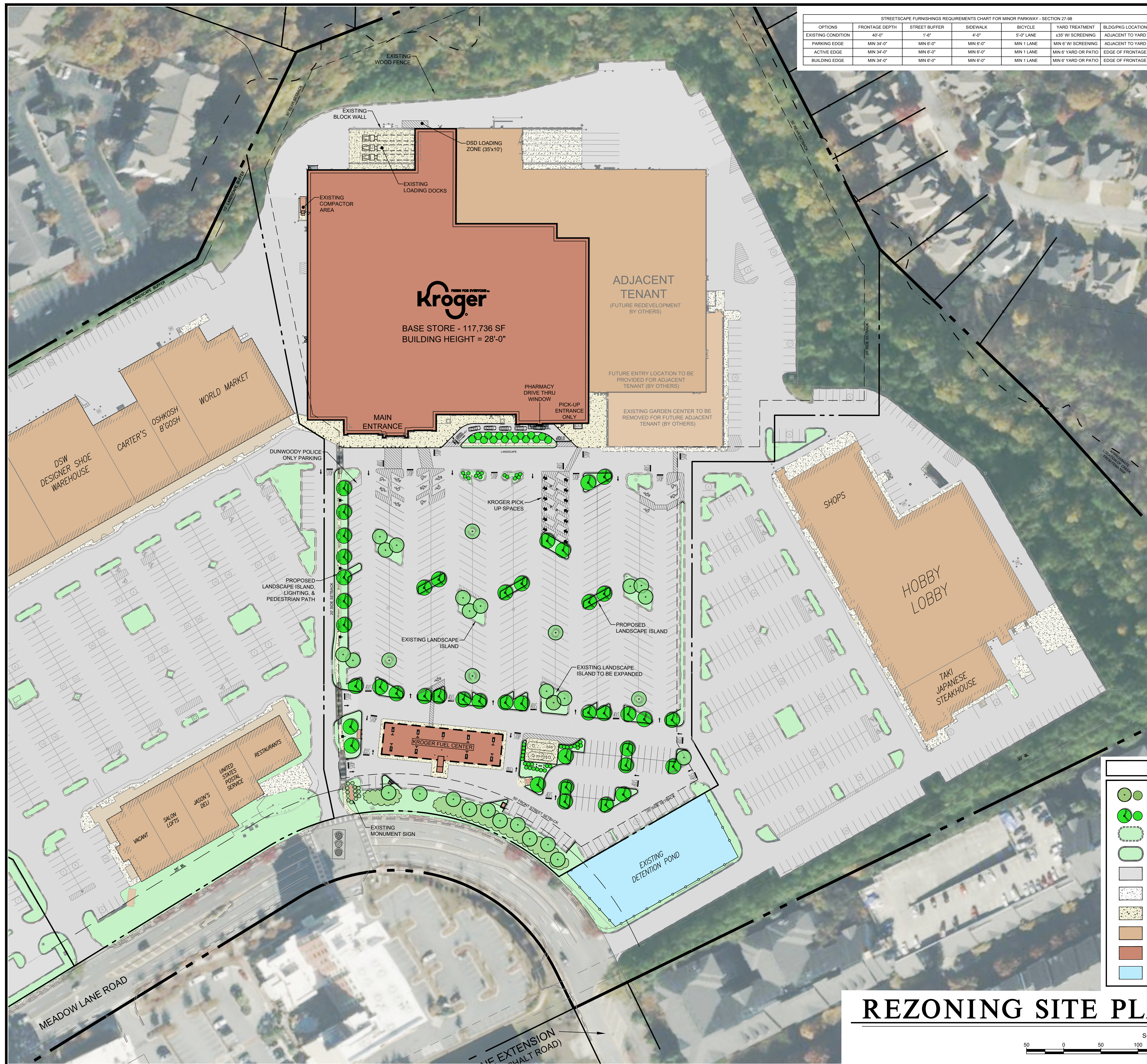
Beginning at the intersection of the eastern right of way line of Ashford Dunwoody Road and the Northern right of way line of Meadow Lane Extension and thence run along said northern right of way line North 84 degrees 39 minutes 52 seconds East, a distance of 618.49 feet to a point; thence continue along a curve to the right, said curve having an arc length of 96.51 feet with a radius of 322.00 feet, being subtended by a chord bearing of South 86 degrees 45 minutes 07 seconds East, a distance of 96.15 feet to a point and the Point of Beginning. Thence from said Point of Beginning and leaving said northern right of way and run North 14 degrees 28 minutes 58 seconds East, a distance of 67.39 feet to a point; thence North 26 degrees 25 minutes 02 seconds East, a distance of 444.60 feet to a point; thence North 31 degrees 38 minutes 33 seconds West, a distance of 39.45 feet to a point; thence North 15 degrees 13 minutes 48 seconds East, a distance of 368.40 feet to a point; thence North 52 degrees 01 minutes 14 seconds East, a distance of 153.66 feet to a point; thence South 85 degrees 00 minutes 45 seconds East, a distance of 578.71 feet to a point; thence South 00 degrees 59 minutes 33 seconds East, a distance of 534.94 feet to a point; thence South 26 degrees 25 minutes 02 seconds West, a distance of 224.40 feet to a point; thence North 63 degrees 34 minutes 58 seconds West, a distance of 140.50 feet to a point; thence South 26 degrees 25 minutes 03 seconds West, a distance of 62.56 feet to a point; thence North 63 degrees 34 minutes 57 seconds West, a distance of 110.92 feet to a point; thence South 26 degrees 25 minutes 02 seconds West, a distance of 373.24 feet to a point; thence South 03 degrees 34 minutes 58 seconds East, a distance of 71.61 feet to a point; thence South 86 degrees 25 minutes 02 seconds West, a distance of 247.37 feet to a point on said northern right of way; thence run along said northern right of way along a curve to the left, said curve having an arc length of 326.30 feet with a radius of 322.00 feet, being subtended by a chord bearing of North 49 degrees 08 minutes 06 seconds West, a distance of 312.52 feet to a point and the Point of Beginning.

Said Tract or parcel contains 16.873 Acres.

OPTIONS	FRONTAGE DEPTH	STREET BUFFER	SIDEWALK	BICYCLE	YARD TREATMENT	BLDG/PKG LOCATION
EXISTING CONDITION	40'-0"	1'-0"	4'-0"	5'-0" LANE	33% W/ SCREENING	ADJACENT TO YARD
PARKING EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' W/ SCREENING	ADJACENT TO YARD
ACTIVE EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' YARD OR PATIO	EDGE OF FRONTAGE
BUILDING EDGE	MIN 34'-0"	MIN 6'-0"	MIN 6'-0"	MIN 1 LANE	MIN 6' YARD OR PATIO	EDGE OF FRONTAGE



**VICINITY MAP**  
SCALE: NONE



**ROBERSON LOIA ROA**  
ARCHITECTS & ENGINEERS  
3460 Preston Ridge Road - Suite 275 - Alpharetta, GA. 30005  
770.674.2600 / www.rlrpc.com  
GA.COA # PEF00062 EXP. 06/30/2028

NOT FOR CONSTRUCTION

KROGER MARKETPLACE 011-767  
4725 ASHFORD DUNWOODY RD  
Dunwoody, Georgia  
FOR THE KROGER COMPANY  
3155 ROYAL DRIVE, BUILDING 400, SUITE 100  
ALPHARETTA, GA 30022  
(770) 496-7400

**LEGEND**

	EXISTING TREE/SHRUB TO REMAIN
	PROPOSED TREE/SHRUB
	EXISTING LANDSCAPING
	PROPOSED LANDSCAPING
	EXISTING PARKING LOT PAVEMENT
	EXISTING SIDEWALK
	PROPOSED SIDEWALK
	EXISTING BUILDING
	PROPOSED BUILDING AREA
	EXISTING DETENTION POND

**ZONING SUMMARY**

ZONING TYPE	C-1 (LOCAL COMMERCIAL)
MIN STREET SETBACK*	50 FT
MIN INTERIOR SIDE SETBACK**	20 FT
MIN REAR SETBACK	30 FT
OVERLAY TYPE	PC-3 (PERIMETER DISTRICT)

\*SETBACK FACING FRONT AND SIDE STREET(S)  
\*\*PROPOSED VARIANCE TO REDUCE SIDE SETBACK FROM 20' TO 0.

**SITE ANALYSIS**

EXISTING BUILDING AREA	186,975 S.F.
EXISTING GARDEN CENTER AREA	14,492 S.F.
KROGER BUILDING AREA	117,736 S.F.
TENANT BUILDING AREA	65,945 S.F.
TOTAL BUILDING AREA	183,681 S.F.
TOTAL PROPOSED PARKING	526 SPACES
PARKING RATIO	2.86 SPACE/M.S.F.
EXISTING PARKING	626 SPACES
EXISTING PARKING	3.41 SPACE/M.S.F.
EXISTING PARCEL AREA	16.87 AC
EXISTING IMPERVIOUS AREA	12.70 AC
PROPOSED IMPERVIOUS AREA	12.46 AC

**REZONING SITE PLAN**

SCALE: 1" = 50'  
50 0 50 100 150 FEET

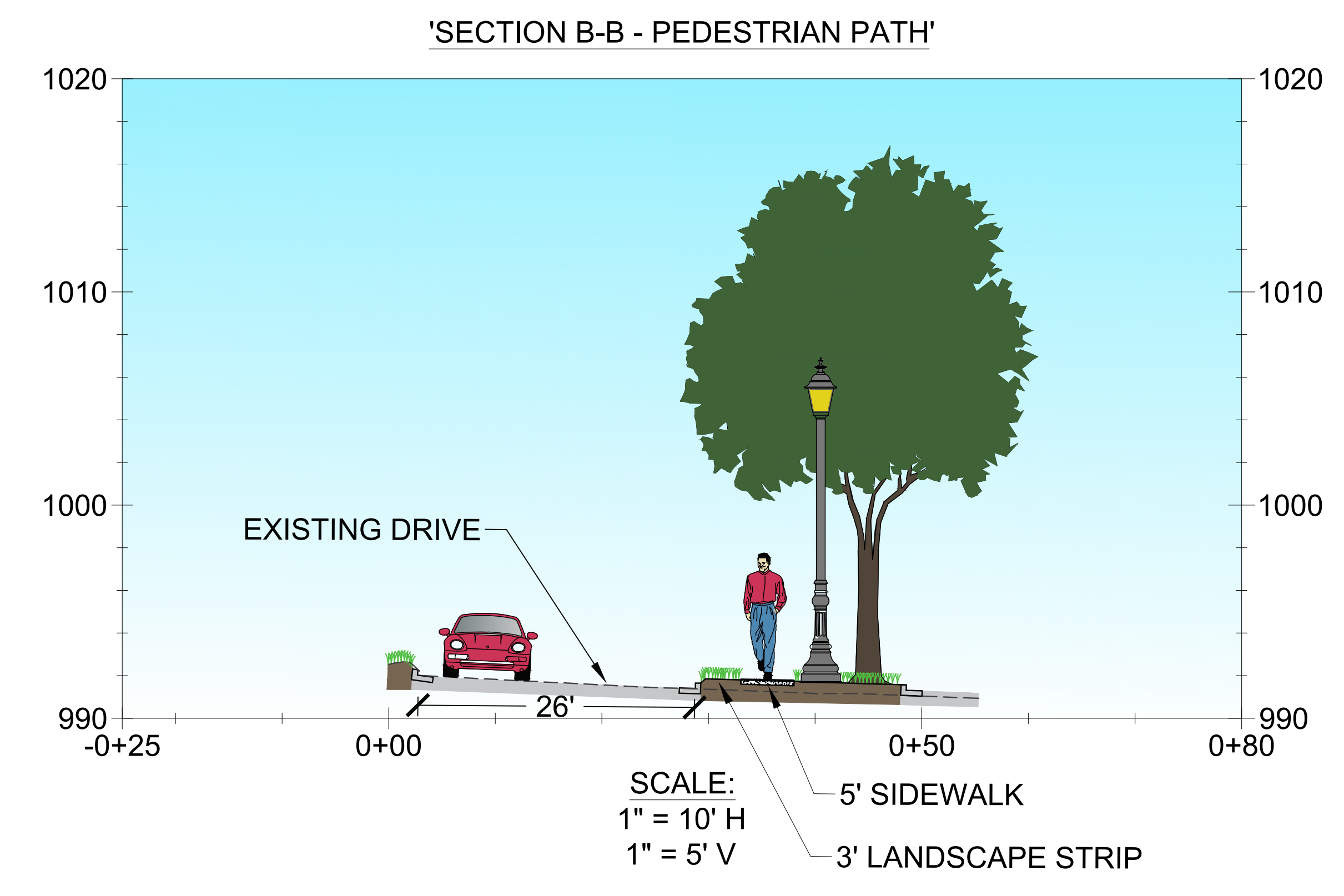
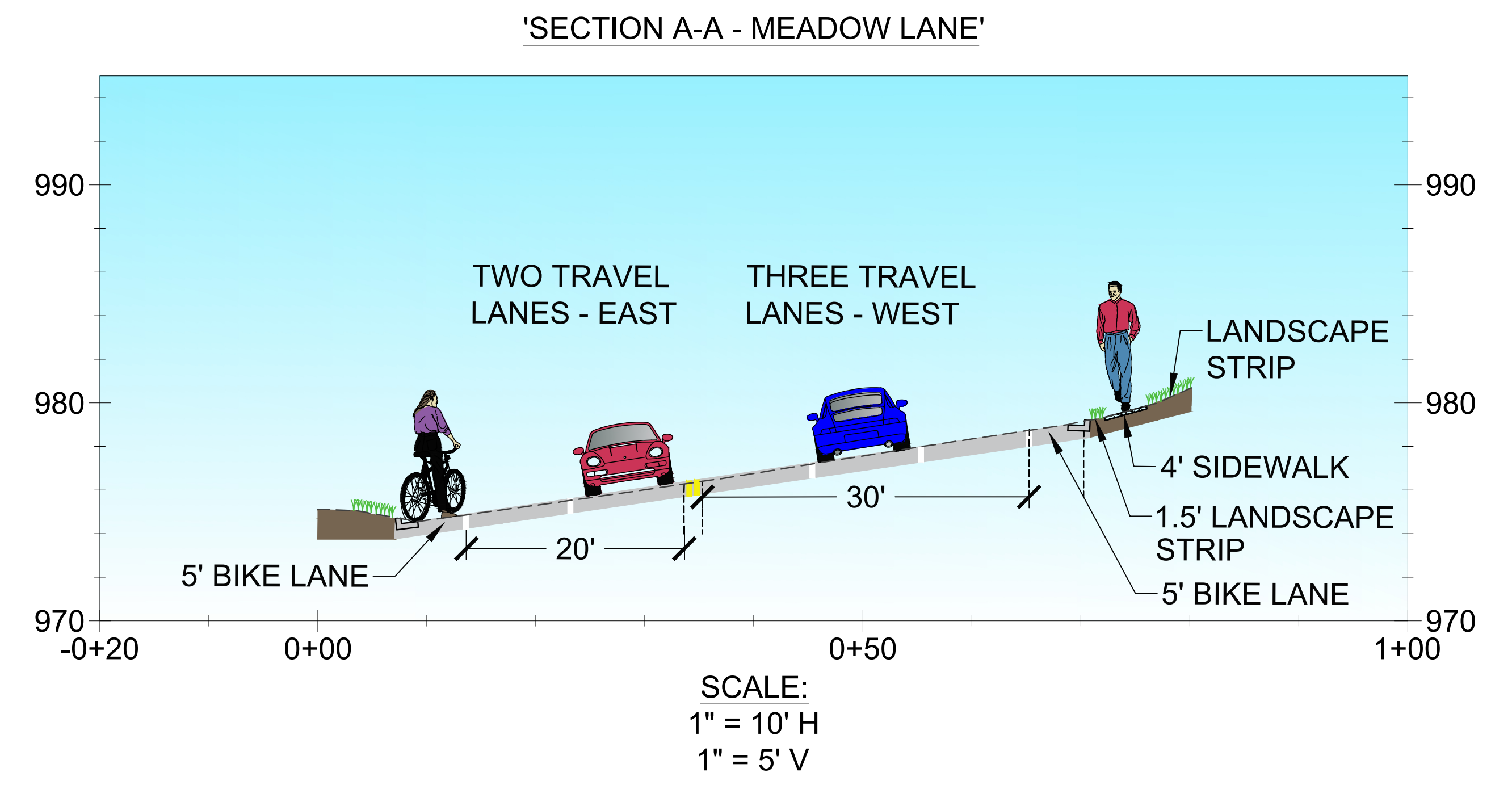
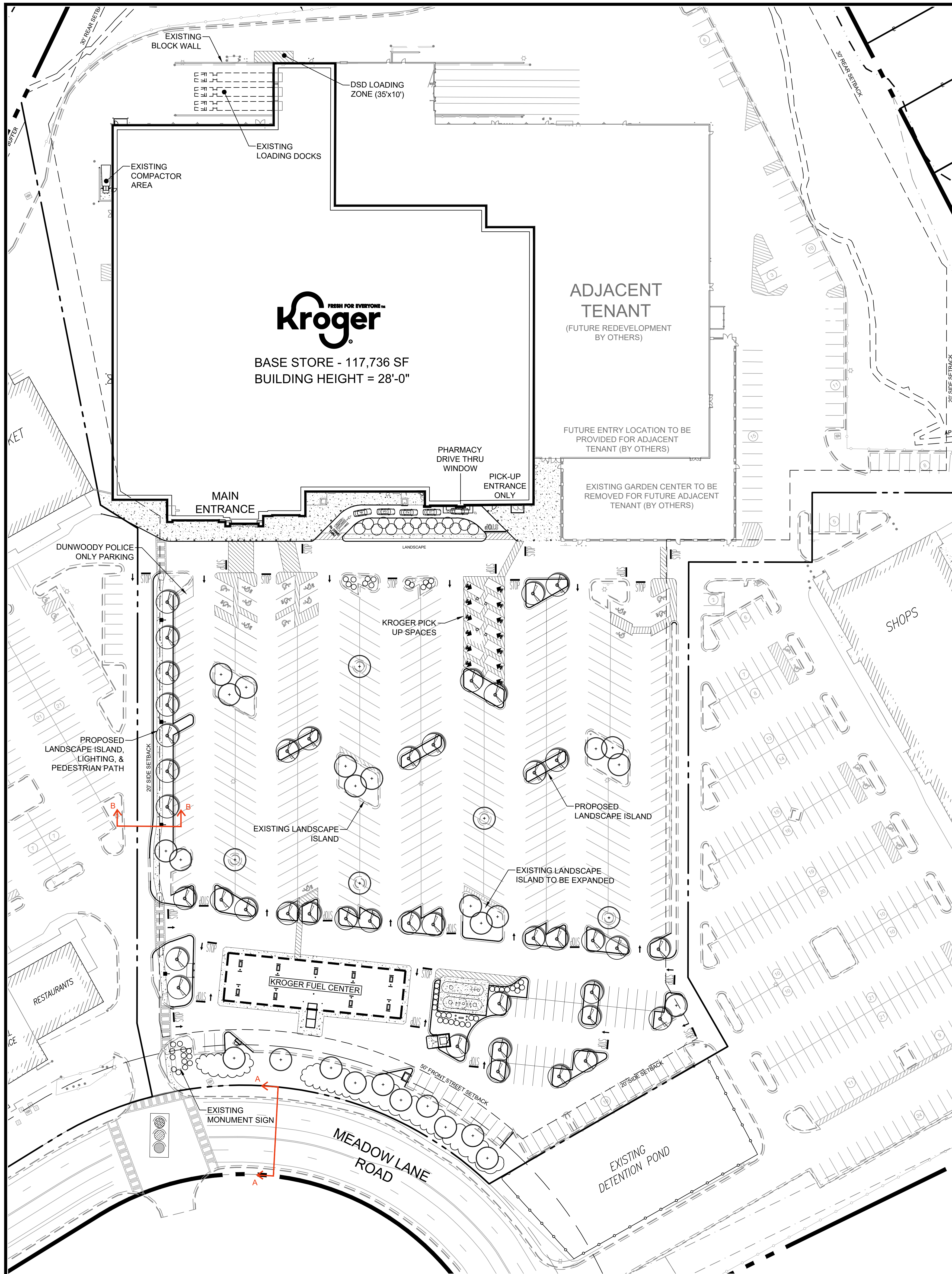
REVISIONS	DATE	DESCRIPTION

PROJECT NUMBER  
**25234**

SHEET NUMBER  
**RZ-1**

DATE  
**02/24/2026**

Plot Date: February 06, 2026, 02:29:23pm (Central)  
Plot Path: \\P:\Projects\25234\25234.dwg  
Plot Scale: 1"=50'  
Plot Title: REZONING SITE PLAN  
Plot User: jloia



# REZONING SITE PLAN & SECTIONS



**ROBERSON LOIA ROO**  
ARCHITECTS & ENGINEERS  
3460 Preston Ridge Road - Suite 275 - Alpharetta, GA. 30005  
770.674.2600 / www.rlrpc.com  
GA.COA#PEF00062 EXPRES:06/30/2028

KROGER MARKETPLACE 011-767  
4725 ASHFORD DUNWOODY RD  
Dunwoody, Georgia  
FOR THE KROGER COMPANY  
3155 ROYAL DRIVE, BUILDING 400, SUITE 100  
ALPHARETTA, GA 30022  
(770) 496-7400

REVISIONS

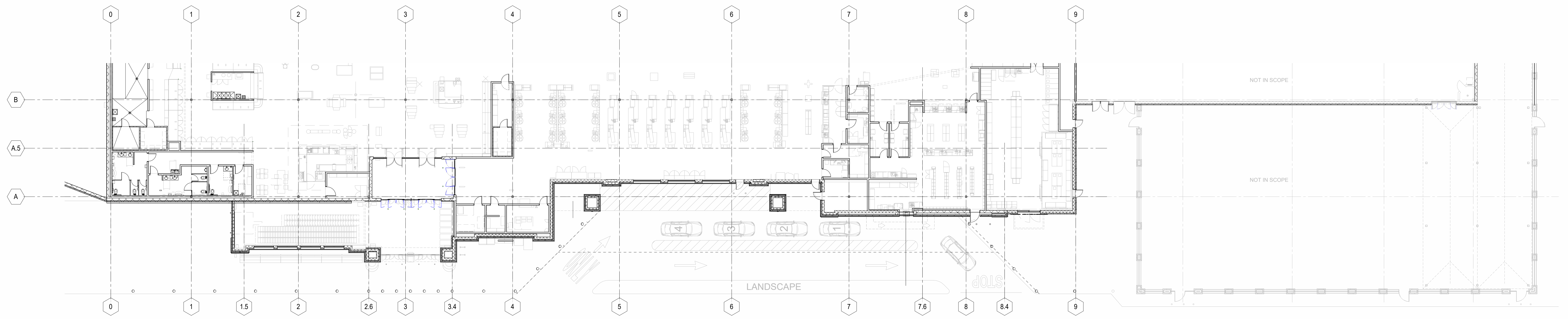
NO.	DATE	DESCRIPTION

SHEET TITLE: REZONING SITE PLAN & SECTIONS

DATE: 02/24/2026

PROJECT NUMBER: 25234

SHEET NUMBER: RZ-2



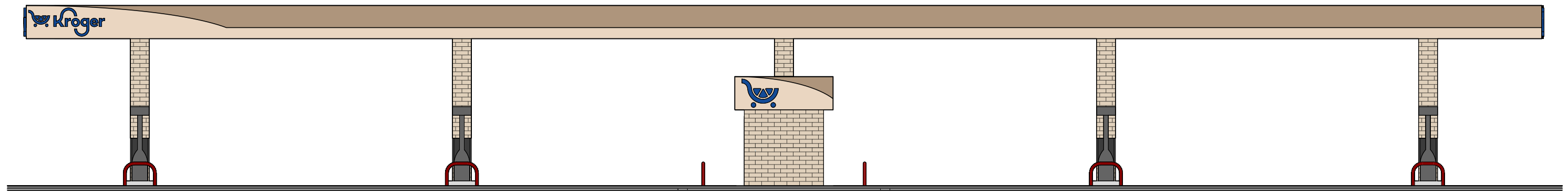
3  
A2.5  
**FIXTURE PLAN - PARTIAL**  
1/16" = 1'-0"



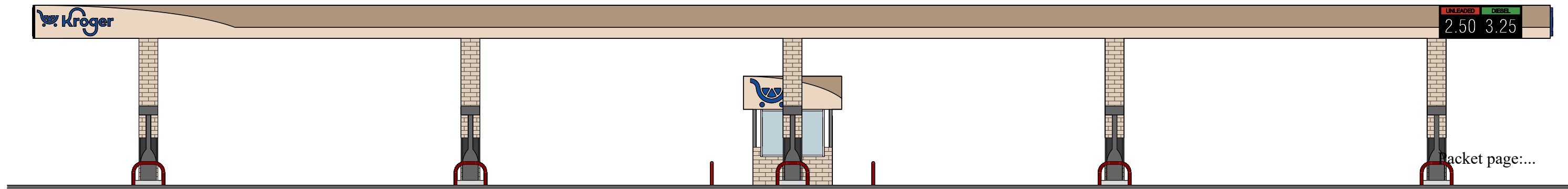
2  
A2.5  
**FRONT ELEVATION - CONCEPT**  
1/16" = 1'-0"



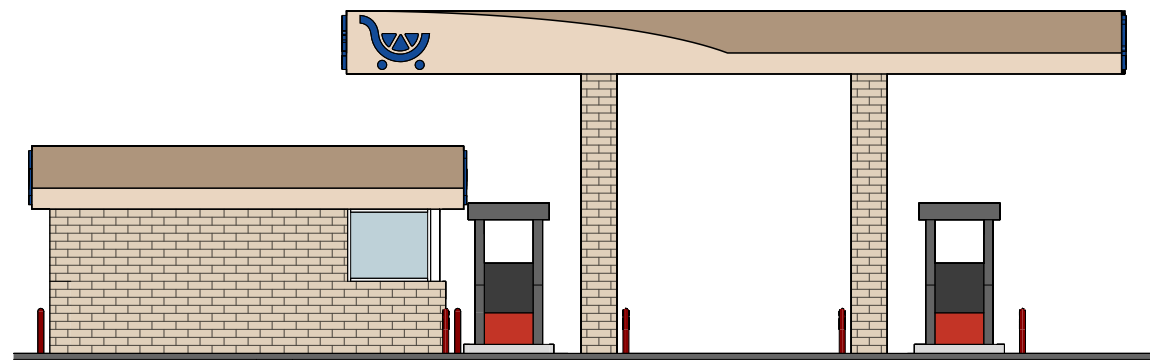
1  
A2.5  
**FRONT ELEVATION - EXISTING**  
1/16" = 1'-0"



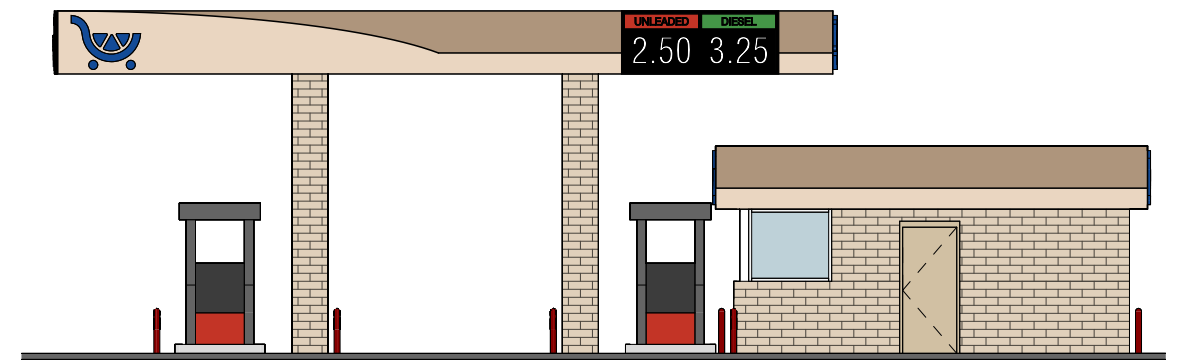
1 REAR ELEVATION  
A12 3/32" = 1'-0"



2 FRONT ELEVATION  
A12 3/32" = 1'-0"



3 LEFT ELEVATION  
A12 3/32" = 1'-0"



4 RIGHT ELEVATION  
A12 3/32" = 1'-0"

KROGER FUEL  
9MPD WITH STANDARD KIOSK



ROBERTSON LOIA ROOF  
ARCHITECTS & ENGINEERS  
3460 Preston Ridge Road, Suite 275, Alpharetta, GA, 30005  
770.674.2600 / www.rlrpc.com

**UTILITY NOTE**

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY: MC UTILITY SURVEYING, LLC 160 CHANTILLY LANE LAWRENCEVILLE, GA 30043 THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

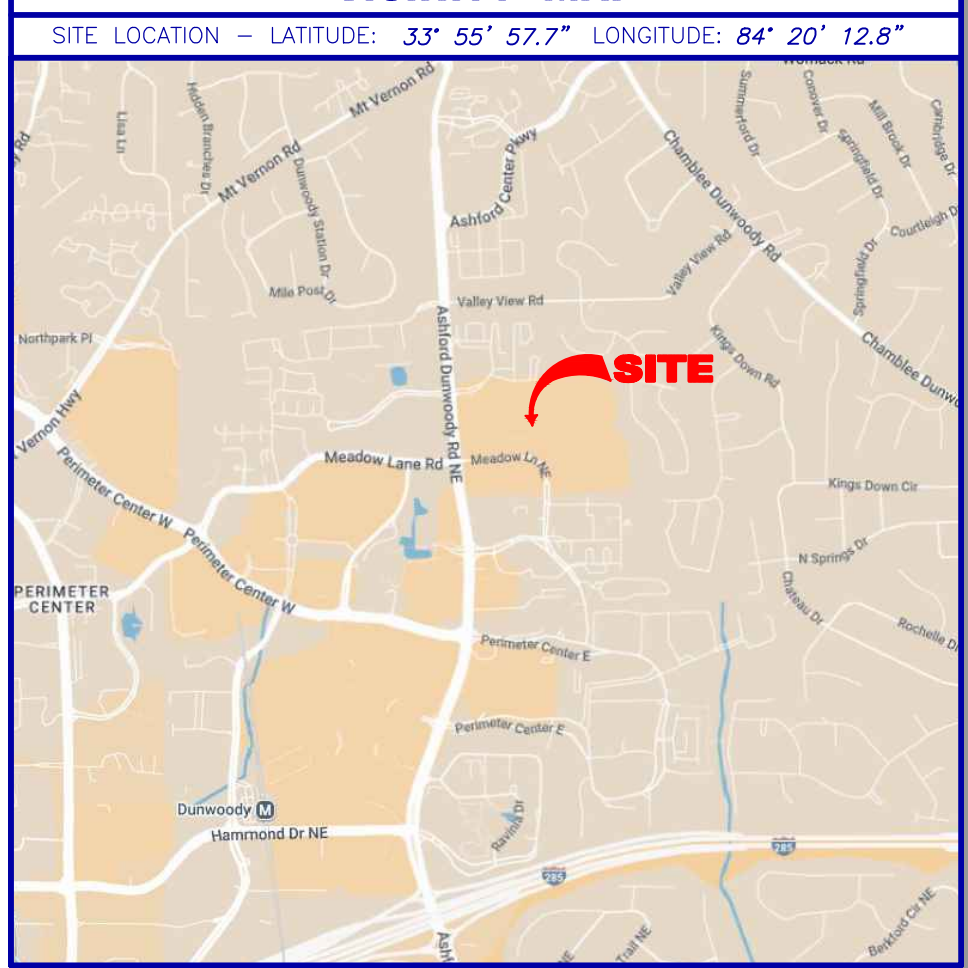
THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 130800020K, AND THE DATE OF SAID MAP IS AUGUST 15, 2019. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

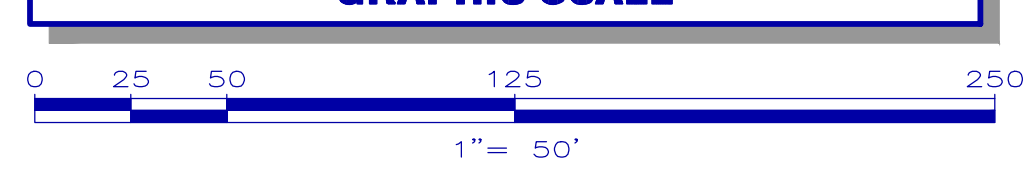
THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(2011) STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "C-1c" (LOCAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF THE CITY OF DUNWOODY. THE MINIMUM YARD SETBACKS ARE: FRONT - 50 FEET; SIDE - 20 FEET; AND REAR - 30 FEET. ZONING CASES MAY APPLY: CZ 83 054 AND CZ 04 094. ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

**VICINITY MAP**



**GRAPHIC SCALE**

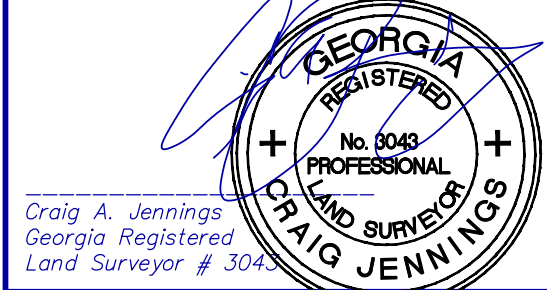


**Perimeter Village**

ASHFORD DUNWOODY ROAD  
LAND LOT 350, DISTRICT 18, DEKALB COUNTY, GA

**SURVEYOR CERTIFICATION (GA)**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

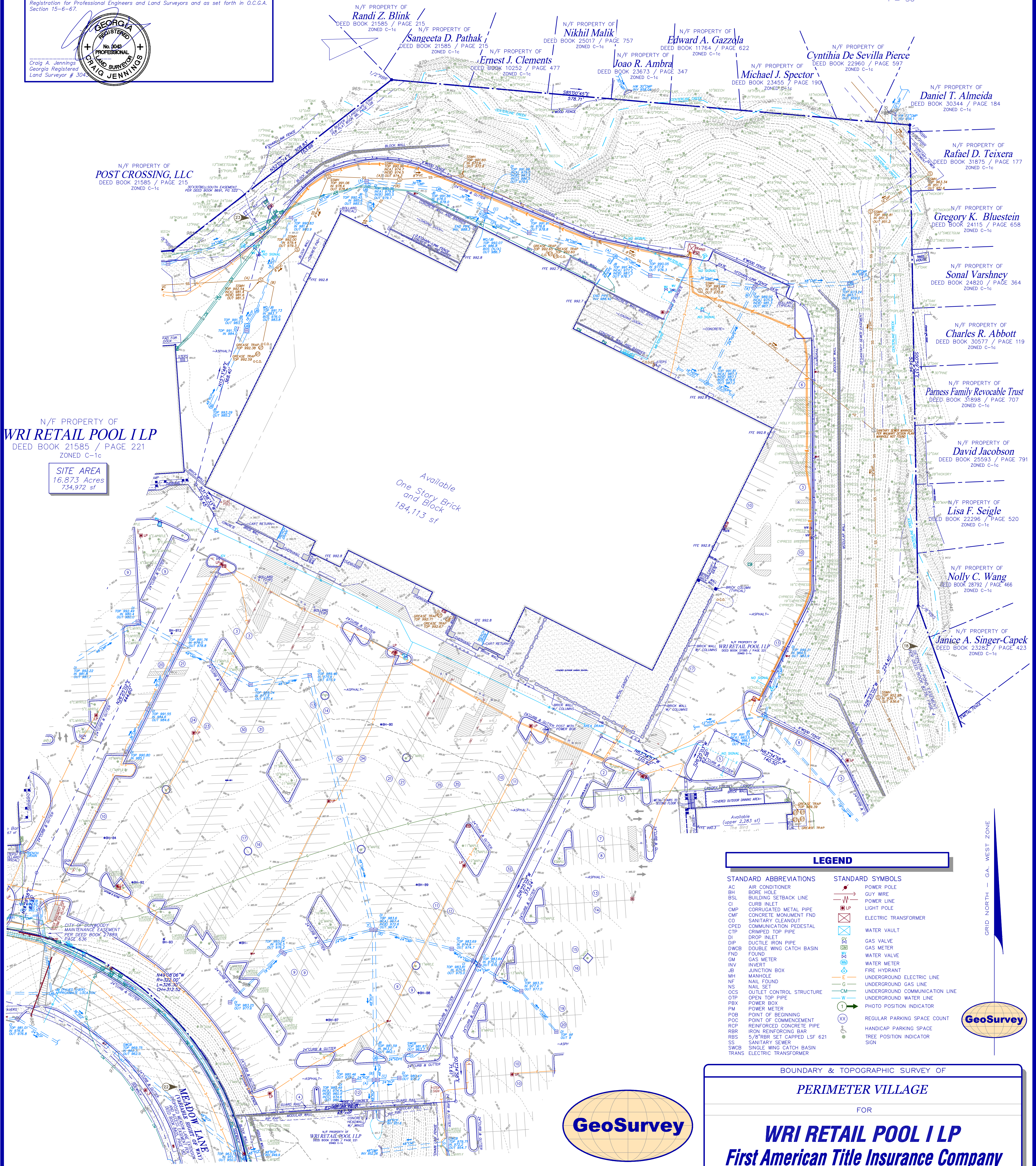


N/F PROPERTY OF  
**POST CROSSING, LLC**  
DEED BOOK 21585 / PAGE 215  
ZONED C-1c

N/F PROPERTY OF  
**WRI RETAIL POOL I LP**  
DEED BOOK 21585 / PAGE 221  
ZONED C-1c

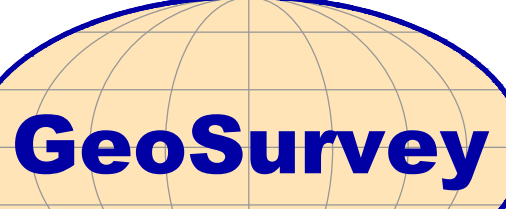
**SITE AREA**  
16.873 Acres  
734,972 sf

Available  
One Story Brick  
and Block  
184,113 sf



**LEGEND**

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	POWER POLE
BH BORE HOLE	QUY WIRE
BSL BUILDING SETBACK LINE	POWER LINE
CI CURB INLET	LIGHT POLE
CMP CORRUGATED METAL PIPE	ELECTRIC TRANSFORMER
CMF CONCRETE MONUMENT FND	WATER VAULT
CO SANITARY CLEANOUT	GAS VALVE
CPED COMMUNICATION PEDESTAL	WATER VALVE
CTP CRIMPED TOP PIPE	WATER METER
DI DROP INLET	FIRE HYDRANT
DIP DUCTILE IRON PIPE	UNDERGROUND ELECTRIC LINE
DWCB DOUBLE WING CATCH BASIN	UNDERGROUND GAS LINE
FND FOUND	UNDERGROUND COMMUNICATION LINE
GM GAS METER	OPEN TOP PIPE
INV INVERT	POWER BOX
JB JUNCTION BOX	POWER METER
MH MANHOLE	POINT OF BEGINNING
NF NAIL FOUND	POINT OF COMMENCEMENT
NS NAIL SET	REINFORCED CONCRETE PIPE
OCS OUTLET CONTROL STRUCTURE	IRON REINFORCING BAR
OTF OPEN TOP PIPE	5/8\"/>
PBX POWER BOX	SANITARY SEWER
PM POWER METER	SINGLE WING CATCH BASIN
POB POINT OF BEGINNING	TRANS ELECTRIC TRANSFORMER
POC POINT OF COMMENCEMENT	
RCF REINFORCED CONCRETE PIPE	
RBR IRON REINFORCING BAR	
RBS 5/8\"/>	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	



Professional Land Surveying Services

1660 Barnes Mill Road  
Marietta, Georgia 30062  
Phone: (770) 795-9900  
Fax: (770) 795-8880

www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSF-000621

**BOUNDARY & TOPOGRAPHIC SURVEY OF**

**PERIMETER VILLAGE**

FOR

**WRI RETAIL POOL I LP**  
**First American Title Insurance Company**

GS JOB NO:	20258383	DRAWING SCALE:	1" = 50'	SURVEY DATE:	12/17/2025
FIELD WORK:	CE	CITY:	DUNWOODY	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	CAJ	COUNTY:	DEKALB	No.	Date
REVIEWED:		STATE:	GA	Description	
DWG FILE:	20258383.dwg	DISTRICT:	18TH		

**IF YOU DIG**



Know what's below.  
**Call before you dig.**  
Dial 811  
Or Call 800-282-7411

**CLOSURE STATEMENT**

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 58,823, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "S" SERIES TOTAL STATION AND TRIMBLE TSC SERIES DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1/4" FEET, CAJ, INT.

**PUBLIC PARTICIPATION REPORT**  
**APPLICATION FOR ZONING MODIFICATION**  
**SLUP AND VARIANCES**

The Kroger Co. (“Kroger”), requests a Zoning Modification, Special Land Use Permit and concurrent Variances for 4725 Ashford Dunwoody Road (the “Property”). In accordance with Section 27-306 of the Dunwoody Zoning Ordinance, Kroger hosted a Public Information Meeting on Wednesday, February 25, from 6:30 P.M. to 7:30 P.M. at 5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338. Kroger advertised this meeting by submitting a classified ad to The Dunwoody Crier (see attached). It also mailed approximately 235 postcards to owners of residentially zoned property within 1,000 feet of the Property using a mailing list provided by the Dunwoody Community Development (see a sample postcard and mailing list attached). The postcards were given to USPS on February 2, 2026. Nine nearby residents attended the meeting. Three representatives from Kroger and two representatives from Robertson Loia Roof, Architects & Engineers, attended to answer questions. Kroger outlined the details of the project with a Powerpoint presentation that included a colored site plan and renderings.

Below is a brief summary of the discussion:

1. Attendees acknowledged that the building has been empty for a considerable time and were glad that a reputable, stable tenant will take over the Property.
2. Most attendees supported a new Kroger at the Property. A few questioned whether it would just be competing with other Krogers in Dunwoody. Kroger representatives explained that its past experience has shown that a new store attracts clientele within easier driving distance without causing other stores to lose clientele.
3. Several residents recounted crime problems that occurred when the Walmart was open. Kroger explained that safety is paramount to the company. They will have security cameras and security initiatives onsite.
4. Attendees appreciated Kroger providing additional landscaping in the parking lot and the pedestrian connection from Meadow Lane to the front door of the Kroger.
5. Residents asked about the fence at the back of the Property. Kroger explained the fence will stay in place, but that it is owned by the owner of the shopping center. Residents appreciated that it had been repaired lately and asked that it be maintained. Kroger stated that it would pass along the concerns to the owner.
6. Kroger will have 200-250 people employed at the store.
7. A couple of residents questioned the need for another fuel provider in the area. Others appreciated Kroger’s competitive pricing and thought such competition would cause the existing gas providers to be more competitive. Kroger shared that 80-90% of customers at the fuel center are also grocery shoppers.
8. When asked about environmental standards for the fuel center, Kroger explained that it rigorously follows EPA and state environmental regulations and has a cleaning program to address fuel and oil drips at the pumps. Fuel centers must maintain compliance documentation, undergo daily inspections, and adhere to safety protocols.

9. Most of the residents expressed concern about truck delivery hours. Kroger explained it is working with its operations team to study truck delivery patterns and was exploring hiring a noise engineer to determine delivery times that would not disturb nearby residents. It also stated that it will not be making changes to the back of the building and will keep the sound barrier wall at the loading dock in place.
10. Kroger described the operation of the drive-through at the front of the Property. All attendees agreed that locating the drive-through at the front was the most appropriate location. They did not want more traffic at the rear of the Property, which they would need to do if the drive-through were to be located at the side of the building.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel A. David  
[via electronic signature]

# DUNWOODY CRIER

See Proof on Next Page

**AFFIDAVIT OF PUBLICATION**

February 13, 2026

PUBLISHER'S AFFIDAVIT

**Laurel David**  
[Redacted]  
[Redacted]

STATE OF GEORGIA  
COUNTY OF FULTON-, GA

State of Florida, County of Orange, ss:

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

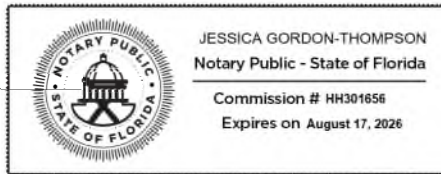
Feb. 12, 2026

in said county and state.

*Edmar Corachia*

(Signed) \_\_\_\_\_

State of Florida  
County of Orange



Subscribed in my presence and sworn to before me on this: **02/13/2026**

*J. Thompson*

\_\_\_\_\_  
Notary Public  
Notarized remotely online using communication technology via Proof.

NOTICE OF COMMUNITY MEETING  
4725 Ashford Dunwoody Rd.

Reason for meeting: to discuss a zoning modification and special use permits to allow a new grocery store with a fuel center and pharmacy drive-through

Location of Meeting: 5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338

Date and Time: Wednesday, February 25, from 6:30 P.M. to 7:30 P.M.

**INFORMATION MEETING  
REGARDING 4725 ASHFORD DUNWOODY ROAD**

All owners of nearby residential property are invited to an informational meeting open to the public to discuss a zoning modification and special use permits to allow a new grocery store with a fuel center and pharmacy drive-through to be located in the former Walmart building. The meeting will take place on Wednesday, February 25, from 6:30 P.M. to 7:30 P.M. and will be at 5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338. When you arrive, there will be signs directing you to the meeting room. If you are unable to attend but would like information, please contact The Galloway Law Group at [laurel@glawgp.com](mailto:laurel@glawgp.com) or (404) 965-3669.

Packet page:...



OWNER_NAME	OWNER_ADDRESS	OWNER_CITY	OWNER_STATE	OWNER	PARCEL_ID
	10 LINDEN PL	SUMMIT	NJ	7901	18 351 13 005
	1014 TAIMON DR	ROSWELL	GA	30075	18 350 06 025
	1095 FALLBROOK LN	LEWISVILLE	NC	27023	18 363 03 015
	1170 PEACHTREE ST NE STE 2000	ATLANTA	GA	30309	18 350 01 009
	1206 Dunwoody Village DR	DUNWOODY	GA	30338	18 350 01 145
	1235 Hopewell CRST	ALPHARETTA	GA	30004	18 363 07 055
	1269 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 09 003
	1279 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 09 004
	1288 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 01 063
	1291 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 09 005
	1301 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 09 006
	1308 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 01 061
	1309 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 09 007
	1314 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 01 060
	1320 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 01 059
	1321 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 09 008
	1331 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 09 009
	1338 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 01 058
	1339 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 09 010
	1347 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 09 011
	1363 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 03 013
	1371 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 03 014
	1378 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 07 053
	1386 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 07 052
	1394 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 07 051
	1421 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 03 018
	1421 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 03 030
	1428 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 07 123
	1429 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 03 031
	1430 VALLEY GLEN WAY	ATLANTA	GA	30338	18 350 01 085
	1431 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 068
	1431 RIDGEMONT RD	DUNWOODY	GA	30338	18 351 13 001
	1434 RIDGEMONT RD	DUNWOODY	GA	30338	18 351 02 004
	1436 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 055
	1436 VALLEY VIEW RD	DUNWOODY	GA	30338	18 363 07 048
	1437 VALLEY VIEW RD	ATLANTA	GA	30338	18 363 03 021
	1439 RIDGEMONT RD	ATLANTA	GA	30338	18 351 13 002
	1442 RIDGEMONT RD	DUNWOODY	GA	30338	18 351 02 003
	1442 VALLEY GLEN WAY	ATLANTA	GA	30338	18 350 01 086
	1443 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 067
	1444 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 056
	1445 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 06 002
	1448 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 087
	1450 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 057
	1451 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 066

1451 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 06 001
1452 VALLEY GLEN WAY	ATLANTA	GA	30338	18 350 01 088
1456 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 058
1456 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 089
1457 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 065
1462 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 059
1463 DEVONASH LN	ATLANTA	GA	30338	18 350 01 064
1466 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 060
1466 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 091
1467 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 063
1467 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 095
1469 CARDOVA POINTE	DUNWOODY	GA	30338	18 350 01 103
1470 DEVONASH LN	DUNWOODY	GA	30338	18 350 01 061
1470 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 092
1471 DEVONASH LN	ATLANTA	GA	30338	18 350 01 062
1471 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 094
1472 CARDOVA POINTE	DUNWOODY	GA	30338	18 350 01 100
1473 CARDOVA POINTE	ATLANTA	GA	30333	18 350 01 102
1474 VALLEY GLEN WAY	DUNWOODY	GA	30338	18 350 01 093
1476 CARDOVA POINTE	ATLANTA	GA	30338	18 350 01 101
150 W CIVIC CENTER DR STE 500	SANDY	UT	84070	18 350 06 003
16 HEARDS OVERLOOK CT	SANDY SPRINGS	GA	30328	18 363 01 057
208 CLARIDGE CT	MARVIN	NC	28173	18 350 01 120
2266 STEPHEN LORY DR	ATLANTA	GA	30305	18 363 01 062
3000 VININGS SLOPE STE 400	ATLANTA	GA	30339	18 350 01 007
3414 PEACHTREE RD NE STE 1075	ATLANTA	GA	30326	18 350 01 181
409 ANDREW RD	MERION STATION	PA	19066	18 350 01 038
4126 BORDEAUX DR	NORTHBROOK	IL	60062	18 350 01 090
4417 VILLAGE SPRINGS RUN	ATLANTA	GA	30338	18 350 01 036
4423 VILLAGE SPRINGS RUN	DUNWOODY	GA	30338	18 350 01 035
4427 VILLAGE SPRINGS RUN	ATLANTA	GA	30338	18 350 01 034
4431 VILLAGE SPRINGS RUN	DUNWOODY	GA	30338	18 350 01 033
4484 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 096
4495 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 004
4496 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 097
4501 CHARDONNAY CT	ATLANTA	GA	30338	18 350 06 005
4505 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 006
4506 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 098
4511 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 007
4512 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 099
4517 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 008
4523 CHARDONNAY CT	ATLANTA	GA	30338	18 350 06 009
4529 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 010
4530 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 104
4535 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 011
4536 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 105

4539 CHARDONNAY CT	LITHONIA	GA	30038	18 350 06 012
4540 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 106
4540 DEVONSHIRE RD	DUNWOODY	GA	30338	18 350 01 040
4541 DEVONSHIRE RD	ATLANTA	GA	30338	18 350 01 039
4544 DEVONSHIRE RD	DUNWOODY	GA	30338	18 350 01 041
4546 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 107
4547 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 013
4548 DEVONSHIRE RD	ATLANTA	GA	30338	18 350 01 042
4550 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 108
4551 CHARDONNAY CT	ATLANTA	GA	30338	18 350 06 014
4551 DEVONSHIRE RD	DUNWOODY	GA	30338	18 350 01 037
4554 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 109
4554 DEVONSHIRE RD	ATLANTA	GA	30338	18 350 01 043
4558 DEVONSHIRE RD	DUNWOODY	GA	30338	18 350 01 044
4560 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 110
4562 DEVONSHIRE RD	ATLANTA	GA	30338	18 350 01 045
4564 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 111
4567 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 015
4568 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 112
4568 DEVONSHIRE RD	DUNWOODY	GA	30338	18 350 01 046
4572 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 113
4576 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 114
4580 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 115
4584 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 116
4587 CHARDONNAY CT	ATLANTA	GA	30338	18 350 06 016
4588 CHARDONNAY CT	ATLANTA	GA	30338	18 350 01 117
4601 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 017
4605 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 018
4608 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 119
4609 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 019
4613 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 020
4617 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 021
4620 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 121
4621 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 022
4622 DEVONSHIRE RD	ATLANTA	GA	30338	18 351 13 015
4625 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 023
4626 CHARDONNAY CT	ATLANTA	GA	30338	18 350 01 122
4626 CHARDONNAY CT	DUNWOODY	GA	30338	18 363 07 054
4630 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 014
4631 CHARDONNAY CT	SUNWOODY	GA	30338	18 350 06 024
4634 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 123
4638 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 013
4640 CHARDONNAY CT	ATLANTA	GA	30338	18 350 01 124
4640 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 151
4644 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 152
4646 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 125

4646 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 012
4648 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 153
4649 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 026
4650 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 126
4651 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 149
4654 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 127
4654 DEVONSHIRE RD	ATLANTA	GA	30338	18 351 13 011
4654 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 154
4655 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 027
4657 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 148
4660 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 128
4660 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 155
4661 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 028
4661 GLENSHIRE PL	ATLANTA	GA	30338	18 350 01 147
4662 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 010
4664 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 077
4664 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 129
4665 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 076
4665 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 029
4667 GLENSHIRE PL	ATLANTA	GA	30338	18 350 01 146
4669 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 075
4670 ASHFORD CLUB DR	ATLANTA	GA	30338	18 350 01 078
4670 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 130
4670 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 009
4671 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 06 030
4672 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 156
4673 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 074
4674 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 131
4676 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 079
4676 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 008
4679 ASHFORD CLUB DR	ATLANTA	GA	30338	18 350 01 073
4679 GLENSHIRE PL	ATLANTA	GA	30338	18 350 01 144
4680 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 132
4680 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 157
4680 GLENSHIRE PL	ATLANTA	GA	30338	18 363 07 115
4682 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 080
4682 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 007
4684 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 133
4685 ASHFORD CLUB DR	ATLANTA	GA	30338	18 350 01 072
4685 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 143
4686 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 158
4688 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 081
4688 DEVONSHIRE RD	DUNWOODY	GA	30338	18 351 13 006
4689 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 071
4689 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 142
4690 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 134

4691 CHARDONNAY CT	ATLANTA	GA	30338	18 350 01 084
4692 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 082
4693 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 141
4694 CHARDONNAY CT	DUNWOODY	GA	30338	18 350 01 135
4697 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 070
4697 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 140
4698 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 083
4700 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 159
4703 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 139
4705 S 129TH AVE	TULSA	OK	74134	18 349 01 049
4705 S 129TH EAST AVE	TULSA	OK	74134	18 349 01 048
4707 ASHFORD CLUB DR	ATLANTA	GA	30338	18 350 01 069
4709 GLENSHIRE PL	ATLANTA	GA	30338	18 350 01 138
4710 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 136
4715 GLENSHIRE PL	DUNWOODY	GA	30338	18 350 01 137
4723 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 054
4729 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 053
4733 ASHFORD CLUB DR	ATLANTA	GA	30338	18 350 01 052
4738 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 160
4739 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 051
4744 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 161
4745 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 050
4748 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 162
4750 KINGS DOWN RD	DUNWOODY	GA	30338	18 351 13 003
4752 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 163
4755 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 049
4756 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 164
4760 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 165
4764 ASHFORD CLUB DR	DUNWOODY	GA	30338	18 350 01 166
4764 KINGS DOWN RD	DUNWOODY	GA	30338	18 351 02 002
4769 VALLEY VIEW CT	DUNWOODY	GA	30338	18 363 07 121
4772 KINGS DOWN RD	DUNWOODY	GA	30338	18 351 02 001
4777 VALLEY VIEW CT	DUNWOODY	GA	30338	18 363 07 120
4780 KINGS DOWN RD	ATLANTA	GA	30338	18 362 02 009
4780 VALLEY VIEW CT	DUNWOODY	GA	30338	18 363 01 100
4792 VALLEY VIEW CT	ATLANTA	GA	30338	18 363 01 101
4798 VALLEY VIEW CT	DUNWOODY	GA	30338	18 363 01 102
4800 Ashford Dunwoody Rd	Dunwoody	GA	30338	
4883 VALLEY VIEW CT	ATLANTA	GA	30338	18 363 07 114
4891 VALLEY VIEW CT	DUNWOODY	GA	30338	18 363 07 113
500 NORTH BROADWAY BLVD STE 201	JERICHO	NY	11753	18 350 01 018
5339 CHAMBLEE DUNWOODY RD # B	ATLANTA	GA	30338	18 350 01 180
6035 SONG BREEZE TRCE	DULUTH	GA	30097	18 350 01 150
6815 POPLAR AVE STE 500	GERMANTOWN	TN	38138	18 350 01 017
7595 GLISTEN AVE NE	ATLANTA	GA	30328	18 363 07 050
P O BOX 8050 BOX MS 0555	BENTONVILLE	AR	72716	18 350 01 167

	PO BOX 36729	CHARLOTTE	NC	28236	18 350 01 118
	PO BOX 450233	ATLANTA	GA	31145	18 350 03 004
	PO BOX 467441	DUNWOODY	GA	31146	18 363 03 016
	PO BOX 468203	ATLANTA	GA	31146	18 363 03 032
	PO BOX 530292	BIRMINGHAM	AL	35253	18 363 01 005
	PO BOX A3878	CHICAGO	IL	60690	18 350 01 169

**INFORMATION MEETING  
REGARDING 4725 ASHFORD DUNWOODY ROAD**

All owners of nearby residential property are invited to an informational meeting open to the public to discuss a zoning modification and special use permits to allow a new grocery store with a fuel center and pharmacy drive-through to be located in the former Walmart building. The meeting will take place on Wednesday, February 25, from 6:30 P.M. to 7:30 P.M. and will be at 5339 Chamblee Dunwoody Rd, Dunwoody, GA 30338. When you arrive, there will be signs directing you to the meeting room. If you are unable to attend but would like information, please contact The Galloway Law Group at [laurel@glawgp.com](mailto:laurel@glawgp.com) or (404) 965-3669.



ATLANTA GA RPDC 302  
3 FEB 2026 PM 9 L



US POSTAGE  
Eagle logo  
RITNEY BOWES  
ZIP 30326  
02 4M  
\$ 000.61<sup>0</sup>  
0000371139 FEB 02 2026

City of Dunwoody, Community Development  
4800 Ashford Dunwoody Rd  
Dunwoody GA 30338

0338-155450



**FIRST AMENDMENT  
APPLICATION FOR REZONING**

The Kroger Co.	)	
c/o The Galloway Law Group, LLC	)	
	)	
Applicant for Rezoning, SLUP	)	IN RE: RZ 26-01, SLUP 26-01
	)	
For 4725 Ashford Dunwoody Drive	)	
	)	

The Applicant respectfully asks that the above-referenced Applications be amended by incorporating the following enclosed documents into the Application as if originally filed with the Application:

1. The site plan prepared by Robertson, Loia, Roof, PC, and dated March 16, 2026, as modified to address staff and DRC comments; and
2. The elevations of the principal building prepared by Robertson, Loia, Roof, PC, and dated March 19, 2026, as modified to address staff comments; and
3. The proposed zoning conditions to replace those approved by the previous zonings CZ 04-094 and CZ 93-054.

Accordingly, the Applicant requests that the City of Dunwoody amend the Applications consistent with this First Amendment and approve the Applications as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



Laurel David  
Attorney for the Applicant

4062 Peachtree Road NE, A330  
Atlanta, Georgia 30319

The Applicant, The Kroger Co., proposes the following conditions for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Development of the site shall be substantially consistent with the site plan prepared by Robertson, Loia, Roof, PC and dated March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
2. Applicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy. Dead or diseased trees found upon said inspection shall be replaced with new three inch caliper deciduous shade trees.
3. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.
4. Architectural characteristics of building façade to be substantially consistent with elevation prepared by Robertson, Loia, Roof, PC and dated March 19, 2026.
5. Maximum square footage of retail space for this shopping center tract not to exceed 185,000.
6. Outdoor sales as allowed by the Zoning Ordinance.
7. There shall be no overnight parking of RVs or campers in the parking lot.
8. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.

The Applicant, The Kroger Co., proposes the following edits to zoning conditions approved by CZ-93054 for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Conditions common to site as a whole

- A. ~~Landscaping by Post Landscape services on commercial and apartment tracts (and at entrance way to single family).~~ **No longer applicable**
- B. ~~At the expense of the developer, the dedication of right-of-way, and the addition of one lane on Ashford Dunwoody Road along the property frontage for acceleration/deceleration purposes, as depicted on the Site Plan.~~ **No longer applicable**
- C. ~~All lighting to be of controlled footprint design so as to minimize glare and light spillover to the fullest extent possible.~~ **Lighting is existing. No longer applicable**
- D. ~~In the event that ownership of the commercial, apartment and single family components of the project is divided, then (i) the owner of the commercial component shall be responsible for satisfaction of the conditions applicable to the commercial component, as set forth in Item 2 below, (ii) the owner of the apartment component shall be responsible for satisfaction of the conditions applicable to the apartment component as set forth in Item 3 below, and (iii) the owner of the single family component of the project shall be responsible for satisfaction of the conditions applicable to the single family component as set forth in Item 4 below. With respect to the conditions common to the site as a whole, as set forth in Item 1, the owner of each component of the project shall be responsible for satisfaction of such conditions only to the extent that they are to be satisfied or performed on such owner's property.~~ **Not applicable as Property is subdivided**
- E. ~~The owner of any such component of the project if divided shall not be liable for failure of the owner of any other component of the project to comply with the conditions of zoning or other developmental requirements applicable to such other component. By way of illustration, the owner of the apartment component of the project shall not be responsible or liable for and shall in no way be adversely affected by the failure of the owner of the commercial component to comply with ordinances applicable to or the conditions that are the responsibility of the owner of the commercial component; nor shall failure of the owner of the commercial component to observe or satisfy the conditions or other requirements applicable to the commercial component invalidate or otherwise adversely affect the zoning or use of the apartment component, or impair the ability of the owner of the apartment component to obtain applicable building or development permits or certificates of occupancy.~~ **Not applicable as Property is subdivided**
- F. ~~All offsite improvements made at the expense of any developer of this property shall be regarded as system improvements entitled to credit against any impact fees~~

imposed pursuant to O.C.G.A. §36-71-1, et sea., or such similar statute as in the future may be enacted. **Not applicable**

2. Conditions applicable to commercial component of development

- A. ~~Maximum of 385,000 square feet of retail space.~~ **Not applicable. This applies to entire shopping center**
- B. ~~Extension, dedication of right of way, and completion of Asbury Circle roadway to Ashford Dunwoody Road, at developers' expense.~~ **No longer applicable**
- C. ~~Left turns from this project on to Ashford Dunwoody Road shall be limited to the two existing signals at Meadowland and Ashwood Parkway. No additional median cuts will be sought by developer.~~ **No longer applicable**
- D. ~~Parking ratio shall not be less than 4.5 spaces per 1,000 square feet of developed retail space.~~ **Let current zoning code control parking**
- E. ~~The height of any structure on the site shall not exceed 40 feet excluding roof top units and architectural treatments consistent with design (like cupolas). Lights shall not exceed these maximum building heights.~~ **Building is existing. No longer applicable. Also, see elevations condition proposed by Applicant**
- F. ~~The property shall not be used for the following purposes: nude dancing, car wash, gas stations, fast food restaurants with drive-through windows, convenience stores or prurient adult bookstores.~~ **Let current zoning code control uses**
- G. ~~The design of the commercial component (buildings and landscaping) will complement the adjacent Spruill Center for the Arts. Architectural treatments shall include brick with a residential appearance wood shingles, molding, stone and clapboard.~~ **No longer applicable**
- H. ~~Signage will be compatible with building architecture. Freestanding signs should not exceed 100 square feet for independent facilities and 500 square feet for planned center. No more than one freestanding sign will be placed on each the street frontage for both planned shopping centers and independent facilities. No sign, sign structure or advertising device shall be located closer then 17 feet to the edge of a public road surface; however, no sign, sign structure or advertising device shall be permitted in the public right of way. No sign, sign structure or advertising device shall be maintained within 15 feet of the intersection of the right of way lines extended of two streets. All mobile signs shall be set back behind any street right-of-way line and a minimum of 20 feet to any road paving or curb. Tenants within a planned shopping center are not authorized to erect roof or freestanding signs. Only one marketing and one identification sign will be permitted per business establishment. Planned shopping centers should have a common theme. Wall signs are preferred and should be in proportion to front footage. Signs inside a building should be at least one foot away from the window. Temporary signs, regardless of~~

~~their purpose, should not be posted for more than the number of days allowed by the ordinances of the respective and applicable County. Additionally, no signs shall be erected above the roof line, and lighting shall be used to enhance architectural and landscape treatment so as to minimize impact of signage. Channel lit signage may be used on building facades and complex identification pylon.~~ **Let Master Sign Plan and current zoning code control signage**

~~The following signs may not be used:~~ **Let Master Sign Plan and current zoning code control signage**

- ~~(1) Neon.~~
- ~~(2) Flashing~~
- ~~(3) Rotating~~
- ~~(4) Florescent~~
- ~~(5) Sound emitting~~
- ~~(6) Permanent window signs except for signs such as "open" or "closed"~~
- ~~(7) Permanent banners~~

- ~~I. All trash dumpsters shall be enclosed on at least three sides or screened with landscaping.~~ **No longer applicable**
- ~~J. The developer may reduce setbacks from newly dedicated rights of way from 70 feet to 35 feet.~~ **Not applicable**
- ~~K. The required buffer on the commercial property where it adjoins the multi-family acreage may be reduced from 50 to 10 feet; building setbacks from this property line shall not be less than 35 feet.~~ **Not applicable**
- ~~L. Developer will observe the requirements of the DeKalb County Tree Ordinance. The replanting requirements of this Ordinance may be satisfied by offsite landscape units in newly constructed rights of way or at other locations contemplated by these conditions.~~ **Not applicable**
- ~~3. Conditions applicable to apartment component of project~~ **Not applicable**
- ~~4. Conditions applicable to single family component of project.~~ **Not applicable**

The Applicant, The Kroger Co., proposes the following edits to zoning conditions approved by CZ-04094 for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Development of the site shall be substantially consistent with the ~~S~~site ~~P~~plan prepared by ~~Wolverton and Associates~~Robertson, Loia, Roof, PC and dated ~~9-24-04~~March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
- ~~2. Landscape Plan prepared by Walser, Green and Albright and dated 9-24-04.~~
2. Walser, Green and AlbrightApplicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy~~at the time of initial parking lot landscape installation~~. Dead or diseased trees found upon said inspection shall be replaced with new three inch caliper, ~~10 foot~~ deciduous shade trees.
3. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.
4. Architectural characteristics of building façade to conform to be substantially consistent with elevation prepared by ~~Perry Butcher and Associates~~ Robertson, Loia, Roof, PC and dated ~~9-3-04~~March 19, 2026.
5. Maximum square footage of retail space for ~~the~~this shopping center tract not to exceed ~~395~~185,000.
6. ~~No outdoor sales and storage of goods except flowers and plants as allowed by the Zoning Ordinance. Any limited outdoor sales as allowed by the Zoning Ordinance is limited specifically to flowers and plants only and shall not include pallets of dirt, mulch, concrete mix, fertilizer, gardening tools, bricks or stones and similar items.~~  
  
~~There shall be no truck deliveries between the hours of 9 pm and 7 am on Mondays through Fridays and no truck deliveries between the hours of 9 pm and 9 am on Saturdays and Sundays. The property owner shall maintain posted signs indicating these delivery hours.~~
7. There shall be no overnight parking of RVs or campers in the parking lot.  
  
~~There shall be no internally lit signage on the proposed Wal-Mart store. Signage shall be backlit/halo lit/ or gooseneck type lighting. Master Sign Plan to be provided~~  
  
~~Wal-Mart and the property owner shall address changes to the lighting in the Shopping Center pursuant to the lighting study recommendations prepared by LSI Industries and dated 8-3-04. Not applicable. Lighting is existing.~~

8. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.

Staff Conditions

- ~~9. Addition of nine (9) hardwood trees in the landscape area parallel to Meadow Lane Extension.~~
- ~~10. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.~~
- ~~11. Applicant must meet current (2004) DeKalb County Code for water quality on site.~~
- ~~12. Conditions of the original zoning case CZ-93054 that have been modified for this zoning case CZ-04094, have been done so for this case only. Conditions of the original zoning case CZ-93054 shall remain in full force and effect for all future development unless and until modified by a subsequent zoning application.~~

The Applicant, The Kroger Co., proposes the following conditions for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Development of the site shall be substantially consistent with the site plan prepared by Robertson, Loia, Roof, PC and dated March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
2. Applicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy. Dead or diseased trees found upon said inspection shall be replaced with new three inch caliper deciduous shade trees.
3. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.
4. Architectural characteristics of building façade to be substantially consistent with elevation prepared by Robertson, Loia, Roof, PC and dated March 19, 2026.
5. Maximum square footage of retail space for this shopping center tract not to exceed 185,000.
6. Outdoor sales as allowed by the Zoning Ordinance.
7. There shall be no overnight parking of RVs or campers in the parking lot.
8. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.

The Applicant, The Kroger Co., proposes the following edits to zoning conditions approved by CZ-93054 for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Conditions common to site as a whole

- A. ~~Landscaping by Post Landscape services on commercial and apartment tracts (and at entrance way to single family).~~ **No longer applicable**
- B. ~~At the expense of the developer, the dedication of right-of-way, and the addition of one lane on Ashford Dunwoody Road along the property frontage for acceleration/deceleration purposes, as depicted on the Site Plan.~~ **No longer applicable**
- C. ~~All lighting to be of controlled footprint design so as to minimize glare and light spillover to the fullest extent possible.~~ **Lighting is existing. No longer applicable**
- D. ~~In the event that ownership of the commercial, apartment and single family components of the project is divided, then (i) the owner of the commercial component shall be responsible for satisfaction of the conditions applicable to the commercial component, as set forth in Item 2 below, (ii) the owner of the apartment component shall be responsible for satisfaction of the conditions applicable to the apartment component as set forth in Item 3 below, and (iii) the owner of the single family component of the project shall be responsible for satisfaction of the conditions applicable to the single family component as set forth in Item 4 below. With respect to the conditions common to the site as a whole, as set forth in Item 1, the owner of each component of the project shall be responsible for satisfaction of such conditions only to the extent that they are to be satisfied or performed on such owner's property.~~ **Not applicable as Property is subdivided**
- E. ~~The owner of any such component of the project if divided shall not be liable for failure of the owner of any other component of the project to comply with the conditions of zoning or other developmental requirements applicable to such other component. By way of illustration, the owner of the apartment component of the project shall not be responsible or liable for and shall in no way be adversely affected by the failure of the owner of the commercial component to comply with ordinances applicable to or the conditions that are the responsibility of the owner of the commercial component; nor shall failure of the owner of the commercial component to observe or satisfy the conditions or other requirements applicable to the commercial component invalidate or otherwise adversely affect the zoning or use of the apartment component, or impair the ability of the owner of the apartment component to obtain applicable building or development permits or certificates of occupancy.~~ **Not applicable as Property is subdivided**
- F. ~~All offsite improvements made at the expense of any developer of this property shall be regarded as system improvements entitled to credit against any impact fees~~

imposed pursuant to O.C.G.A. §36-71-1, et sea., or such similar statute as in the future may be enacted. **Not applicable**

2. Conditions applicable to commercial component of development

- A. ~~Maximum of 385,000 square feet of retail space.~~ **Not applicable. This applies to entire shopping center**
- B. ~~Extension, dedication of right of way, and completion of Asbury Circle roadway to Ashford Dunwoody Road, at developers' expense.~~ **No longer applicable**
- C. ~~Left turns from this project on to Ashford Dunwoody Road shall be limited to the two existing signals at Meadowland and Ashwood Parkway. No additional median cuts will be sought by developer.~~ **No longer applicable**
- D. ~~Parking ratio shall not be less than 4.5 spaces per 1,000 square feet of developed retail space.~~ **Let current zoning code control parking**
- E. ~~The height of any structure on the site shall not exceed 40 feet excluding roof top units and architectural treatments consistent with design (like cupolas). Lights shall not exceed these maximum building heights.~~ **Building is existing. No longer applicable. Also, see elevations condition proposed by Applicant**
- F. ~~The property shall not be used for the following purposes: nude dancing, car wash, gas stations, fast food restaurants with drive-through windows, convenience stores or prurient adult bookstores.~~ **Let current zoning code control uses**
- G. ~~The design of the commercial component (buildings and landscaping) will complement the adjacent Spruill Center for the Arts. Architectural treatments shall include brick with a residential appearance wood shingles, molding, stone and clapboard.~~ **No longer applicable**
- H. ~~Signage will be compatible with building architecture. Freestanding signs should not exceed 100 square feet for independent facilities and 500 square feet for planned center. No more than one freestanding sign will be placed on each the street frontage for both planned shopping centers and independent facilities. No sign, sign structure or advertising device shall be located closer then 17 feet to the edge of a public road surface; however, no sign, sign structure or advertising device shall be permitted in the public right of way. No sign, sign structure or advertising device shall be maintained within 15 feet of the intersection of the right of way lines extended of two streets. All mobile signs shall be set back behind any street right-of-way line and a minimum of 20 feet to any road paving or curb. Tenants within a planned shopping center are not authorized to erect roof or freestanding signs. Only one marketing and one identification sign will be permitted per business establishment. Planned shopping centers should have a common theme. Wall signs are preferred and should be in proportion to front footage. Signs inside a building should be at least one foot away from the window. Temporary signs, regardless of~~

their purpose, should not be posted for more than the number of days allowed by the ordinances of the respective and applicable County. Additionally, no signs shall be erected above the roof line, and lighting shall be used to enhance architectural and landscape treatment so as to minimize impact of signage. Channel lit signage may be used on building facades and complex identification pylon. **Let Master Sign Plan and current zoning code control signage**

The following signs may not be used: **Let Master Sign Plan and current zoning code control signage**

- (1) ~~Neon.~~
- (2) ~~Flashing~~
- (3) ~~Rotating~~
- (4) ~~Florescent~~
- (5) ~~Sound emitting~~
- (6) ~~Permanent window signs except for signs such as "open" or "closed"~~
- (7) ~~Permanent banners~~

I. ~~All trash dumpsters shall be enclosed on at least three sides or screened with landscaping.~~ **No longer applicable**

J. ~~The developer may reduce setbacks from newly dedicated rights of way from 70 feet to 35 feet.~~ **Not applicable**

K. ~~The required buffer on the commercial property where it adjoins the multi-family acreage may be reduced from 50 to 10 feet; building setbacks from this property line shall not be less than 35 feet.~~ **Not applicable**

L. ~~Developer will observe the requirements of the DeKalb County Tree Ordinance. The replanting requirements of this Ordinance may be satisfied by offsite landscape units in newly constructed rights of way or at other locations contemplated by these conditions.~~ **Not applicable**

3. ~~Conditions applicable to apartment component of project~~ **Not applicable**

4. ~~Conditions applicable to single family component of project.~~ **Not applicable**

The Applicant, The Kroger Co., proposes the following edits to zoning conditions approved by CZ-04094 for RZ 26-01 and SLUP 26-01 for 4725 Ashford Dunwoody Drive:

1. Development of the site shall be substantially consistent with the Site Plan prepared by Wolverson and Associates Robertson, Loia, Roof, PC and dated 9-24-04 March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
- ~~2. Landscape Plan prepared by Walser, Green and Albright and dated 9-24-04.~~
2. Walser, Green and Albright Applicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy at the time of initial parking lot landscape installation. Dead or diseased trees found upon said inspection shall be replaced with new three inch caliper, ~~10 foot~~ deciduous shade trees.
3. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.
4. Architectural characteristics of building façade to conform to be substantially consistent with elevation prepared by Perry Butcher and Associates Robertson, Loia, Roof, PC and dated 9-3-04 March 19, 2026.
5. Maximum square footage of retail space for ~~the~~ this shopping center tract not to exceed 395185,000.
6. ~~No outdoor sales and storage of goods except flowers and plants as allowed by the Zoning Ordinance. Any limited outdoor sales as allowed by the Zoning Ordinance is limited specifically to flowers and plants only and shall not include pallets of dirt, mulch, concrete mix, fertilizer, gardening tools, bricks or stones and similar items.~~  
  
~~There shall be no truck deliveries between the hours of 9 pm and 7 am on Mondays through Fridays and no truck deliveries between the hours of 9 pm and 9 am on Saturdays and Sundays. The property owner shall maintain posted signs indicating these delivery hours.~~
7. There shall be no overnight parking of RVs or campers in the parking lot.  
  
~~There shall be no internally lit signage on the proposed Wal-Mart store. Signage shall be backlit/halo lit/ or gooseneck type lighting. Master Sign Plan to be provided~~  
  
~~Wal-Mart and the property owner shall address changes to the lighting in the Shopping Center pursuant to the lighting study recommendations prepared by LSI Industries and dated 8-3-04. Not applicable. Lighting is existing.~~

8. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.

Staff Conditions

- ~~9. Addition of nine (9) hardwood trees in the landscape area parallel to Meadow Lane Extension.~~
- ~~10. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy.~~
- ~~11. Applicant must meet current (2004) DeKalb County Code for water quality on site.~~
- ~~12. Conditions of the original zoning case CZ-93054 that have been modified for this zoning case CZ-04094, have been done so for this case only. Conditions of the original zoning case CZ-93054 shall remain in full force and effect for all future development unless and until modified by a subsequent zoning application.~~

**Madalyn Smith**

---

**From:** [Redacted]  
**Sent:** Friday, May 15, 2026 1:18 PM  
**To:** Madalyn Smith  
**Subject:** May 12, 2026 Planning Commission meeting and the applications identified as RZ 26-01, SLUP 26-01, and MMSP 26-0

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Warning: Unusual sender** <[Redacted]>

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

Dear Members of the Planning Commission,

I am a nearby residential property owner on Glenshire Place located directly behind the northwest portion of the former Walmart property at 4725 Ashford Dunwoody Road. I am writing regarding the May 12, 2026 Planning Commission meeting and the applications identified as RZ 26-01, SLUP 26-01, and MMSP 26-01.

I appreciate the effort to redevelop this vacant property and am generally supportive of a high-quality grocery store use at this location. My comments are intended to ensure that the project includes appropriate protections for the adjacent residential homes located directly behind the site.

Given the close proximity of the rear property line to existing homes, I respectfully request that the Planning Commission consider conditions of approval addressing the following items:

**Noise and Hours of Operation:**

- Limit delivery truck hours on the residential side of the property (for example, no early-morning or late-night deliveries. )
- Prohibit overnight dumpster servicing and outdoor maintenance activities near the residential boundary
- Require noise mitigation for any drive-through speaker systems

**Lighting:**

- Require fully shielded, downward-directed lighting along the rear property line
- Prohibit pole lighting or fuel canopy lighting that spills onto adjacent residential property
- Consider lighting curfews or reduced lighting levels during overnight hours

**Buffering and Screening:**

- Install a solid privacy fence along the rear property boundary
- Provide a substantial evergreen landscape buffer to screen headlights, activity, and lighting
- Preserve existing tree canopy where feasible

**Truck Routing and Circulation:**

- Establish truck routes that minimize impacts to adjacent homes
- Avoid locating loading or staging areas directly adjacent to the residential boundary where possible

I believe these reasonable measures will help ensure the project is a long-term success while maintaining a stable residential environment for nearby homeowners and tenants.

Thank you for your time and consideration of these comments.

Good Health and God Bless  
Kindest Regards  
Ernest  
Ernest J. Clements  
[Redacted] Dunwoody GA 30338  
[Redacted]

Good Health and God Bless  
Kindest Regards  
Ernest  
Ernest J. Clements, CEDS  
[Redacted]





## Path Easement Agreement

THIS PATH EASEMENT AGREEMENT (the "Agreement") is made as of the \_\_\_\_\_ day, \_\_\_\_\_, 20XX (the "Execution Date"), by and between \_\_\_\_\_ ("Grantor") and the City of Dunwoody, a municipality of the State of Georgia ("Grantee").

Grantor is the owner of that certain property located in DeKalb County, Parcel ID Number 18 350 01 167 and more particularly depicted on Exhibit "A" attached hereto and incorporated herein by reference ("Grantor's Property")

Grantee wishes to construct and maintain a concrete path a maximum of twelve (12) feet in width (the "Path") within the Grantor's Property in the area along its eastern boundary, as generally depicted in Exhibit "B" attached hereto and incorporated herein by reference (the "Path Easement Area"). The Path shall be used by the general public and operated by Grantee solely as a recreational path for walking, running, cycling, and other similar forms of non-vehicular transportation as may be permitted by Grantee (the "Permitted Use").

Grantor has agreed to grant an easement to Grantee to use the Permanent Easement Area and the Property, subject to the terms and conditions described herein.

NOW, THEREFORE, for the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Recitals. The Recitals set forth above are hereby incorporated into this Agreement as if fully set forth herein.

2. Temporary Construction Easement. Grantor hereby grants and conveys to Grantee, a temporary construction easement at a mutually agreeable location along, under, on, in and across the Path Easement Area (the "Temporary Construction Easement") for the purpose of constructing the Path, subject to the following terms and conditions:

(a) The Path to be constructed shall be a concrete surface path a maximum of twelve feet in width and shall be at a location mutually agreeable to Grantor and Grantee, the agreement for which is not to be unreasonably withheld.

(b) The Path shall be located entirely within Temporary Construction Easement.

(c) The Path shall be constructed in such a manner that the 20-foot Permanent Path Easement to be created as provided in Paragraph 3 below is located entirely within the Path Easement Area.

(d) In addition to the path itself, Grantee may install Permitted Ancillary Improvements in the Permanent Easement Area (as defined in Paragraph 3 below). For

purposes of this Agreement, the term "Permitted Ancillary Improvements" shall mean landscape improvements, benches, trash receptacles and other improvements ancillary or incidental to the path and its Permitted Use.

(e) Prior to the commencement of any construction, Grantee shall obtain, at Grantee's sole expense, any necessary permits and other authorizations necessary for construction of the path. Grantee shall at all times comply with all present and future laws, rules, requirements, orders, directives, ordinances and regulations of any and all governmental bodies, agencies, and authorities having jurisdiction over Grantor's Property, including any state and federal requirements.

(f) Grantee shall give Grantor written notice ten (10) days prior to the date construction of the path will commence. Construction of the path and all related improvements shall be completed within two (2) years of the notice of the date of construction for the path; provided, however, Grantor agrees to grant Grantee one (1) six (6) month extension of such deadline upon written request by Grantee if (i) such request is received by Grantor prior to the original deadline date and (ii) on the date such request is received by Grantor, construction of the path has commenced and completion of the path is being diligently pursued by Grantee. Any such extension shall be set forth in an Amendment to this Agreement signed by Grantor and Grantee and recorded in the DeKalb County, Georgia records.

(g) Grantee shall exercise its rights hereunder with minimum interference to the quiet enjoyment of Grantor's Property and shall take all reasonable steps to protect Grantor's Property. Any damage to Grantor's Property outside of the Path Easement Area and related to Grantee's construction of the path which is caused by Grantee or its contractors shall be repaired by Grantee at its sole cost and expense.

(h) Upon completion of the path, Grantee shall restore Grantor's Property (except for the path and the Permitted Ancillary Improvements) to the condition in which they existed prior to Grantee's commencement of construction, including, but not limited to, repairing and restoring any underground irrigation system, restoring all grass and sod on Grantor's Property that are affected by the construction, repairing or replacing pavement or curb and gutter, and repairing and or replacing Grantor's fencing.

The Temporary Construction Easement shall expire earlier upon (a) completion of construction by Grantee of the aforementioned path, or (b) two (2) years of the notice of the date of construction of the path, subject to any extension granted pursuant to Paragraph 2(f) above.

3. Permanent Path Easement. Upon completion of the path, the Temporary Floating Construction Easement shall convert to a 20-foot Permanent Path Easement in favor of Grantee for the operating, maintaining, repairing and replacing of the path and the Permitted Ancillary Improvements and for the use and enjoyment of the path and the Permitted Ancillary Improvements by Grantee and its agents, employees, invitees and licensees for the Permitted Use. The Permanent Path Easement shall extend 10 feet from the centerline of the constructed path in each direction (the "Permanent Easement Area"). Within thirty days of the path's completion, Grantee shall, at its sole

cost and expense, create and submit to Grantor an as-built survey (the "Survey") prepared by a licensed Georgia surveyor depicting the centerline of the constructed path and the Permanent Easement Area. Upon Grantor's written approval of the Survey, (i) Grantee shall record the Survey in the DeKalb County, Georgia records and (ii) Grantor and Grantee shall execute and record an Amendment to this Agreement for the purpose of defining the Permanent Easement Area by reference to the recorded Survey. No Improvements other than the path and Permitted Ancillary Improvements shall be constructed in the Permanent Easement Area without the prior written approval of Grantor. Any damage to Grantor's Property outside the Permanent Easement Area caused by Grantee or its contractors, agents, employees, invitees or licensees, or by any users of the path, shall be promptly repaired by Grantee.

4. Modifications to the Easement Areas. The parties acknowledge and agree that the Temporary Construction Easement and Permanent Easement Areas (collectively, the Easement Areas) shall be located at a mutually agreeable location in the Path Easement Area shown on Exhibit "B" attached hereto. Notwithstanding anything set forth in this Agreement to the contrary, following the Effective Date and at Grantee's election, Grantee shall have the unilateral right to obtain a metes and bounds description of the Temporary Construction Easement and Permanent Easement Areas (collectively, the Easement Areas) at Grantee's sole cost and expense and to be prepared by a surveyor licensed in the State of Georgia (the "Legal Description"), so as to amend this Easement Agreement as set forth herein to replace the general depiction set forth on Exhibit "B" attached hereto with the Legal Description (the "Surveyed Permanent Easement Area", and "Surveyed Temporary Construction Easement Area", as applicable; collectively, the "Surveyed Easement Areas"). In all events, unless otherwise agreed to by both parties: (i) the Surveyed Permanent Easement Area shall not encroach onto the retaining walls, buildings or other improvements located on the Property other than the Improvements constructed by Grantee hereunder; (ii) the Surveyed Permanent Easement Area shall not be larger than that described in Section 3

5. Grantee Responsibility. Grantee shall bear full and complete responsibility for the construction, maintenance, repair, use and operation of the path and all other improvements located in the Permanent Easement Area. All such improvements shall be maintained and kept in good repair by Grantee in an attractive condition suitable for their intended purpose. The parties recognize that nothing contained herein shall relieve Grantor of its responsibility for any acts or omissions on its part with respect to this Agreement. Should the Grantee ever decide to close or abandon the path, (a) Grantee shall remove the path and restore Grantor's Property (including the Permanent Easement Area) to the condition in which it existed prior to construction of the path; and (b) Grantor and Grantee shall execute and record an instrument in form acceptable to Grantor for the purpose of terminating this Agreement and any Easement Areas contemplated herein.

6. Impact on Future Development. It is the intention and desire of the parties that Grantor's conveyance of the Temporary Construction Easement and Permanent Path Easement pursuant to this Agreement shall not operate or impede the future development of any of the Grantor's Property located outside the Permanent Easement Area.

### GENERAL PROVISIONS:

1. **SUCCESSORS AND ASSIGNS: COVENANT RUNNING WITH THE LAND.** The easements, terms, provisions and covenants contained herein shall run with the land and shall be binding upon and inure to the benefit of Grantor and Grantee and their respective heirs, successors, successors in-title and assigns.

2. **APPLICABLE LAW.** This Agreement shall be construed and interpreted under the laws of the State of Georgia.

3. **EXHIBITS.** The exhibits referred to in and attached to this Easement are incorporated herein in full by reference.

4. **NO JOINT VENTURE.** It is hereby acknowledged by Grantor and Grantee that the relationship between the parties is not intended to be and shall not in any way be construed to be that of a partnership, joint venture, or principal and agent. It is hereby further acknowledged that any control exercised by either party with respect to their respective property is solely for the purpose of protecting each party's property values.

5. **CONSTRUCTION OF AGREEMENT.** Grantor and Grantee acknowledge they have read, understand and have had the opportunity to be advised by legal counsel as to the effect of, each and every one of the terms, conditions, provisions and restrictions of this Agreement, and they agree to the enforcement of any and all of these provisions, and they execute this Agreement with full knowledge thereof. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the provision shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the document.

6. **AUTHORITY.** Grantor and Grantee warrant and represent one to the other that they have full power and authority to enter into this Agreement, and that the persons executing this Agreement have full power and authority to do so in order to bind the parties to the terms and obligations of this Agreement. Grantor hereby warrants that Grantor has the full right and power to convey the easements described in this Agreement, and binds Grantor and Grantor's successors and assigns forever to warrant and defend the right and title to such easements unto Grantee, its successors and assigns against the claims of all persons claiming by, through or under Grantor, excepting, however, all claims arising from or in connection with covenants, conditions, easements and restrictions of record as of the date hereof.

7. ENTIRE AGREEMENT. This Agreement constitutes the entire and complete agreement of Grantor and Grantee with respect to the transactions contemplated hereby, and conversations, memorandums of undertaking, representations, promises, inducements, warranties or statements not reduced to writing and expressly set forth herein shall be of no force or effect whatsoever. This Agreement may not be modified, altered or amended except by a written instrument executed by Grantor and Grantee.

8. CONDUCT OF THE PARTIES. No conduct or course of action undertaken or performed by the parties shall have the effect of, or be deemed to have the effect of, modifying, altering or amending the terms, covenants and conditions of this Agreement. Failure of any party to exercise any power or right given hereunder or to insist upon strict compliance with the terms hereof shall not be, or be deemed to be, a waiver of such party's right to demand exact compliance with the terms of this Agreement.

9. ENFORCEMENT. This Agreement may be enforced by either party by an action at law or in equity. In any such action, the prevailing party shall be entitled to recover its costs and reasonable attorney's fees.

10. NOTICES. Any notices, requests, or consents required or permitted to be given by or on behalf of Grantor or Grantee shall be in writing and shall be (i) hand delivered or (ii) sent by (a) registered or certified United States mail, return receipt requested, postage prepaid or (b) national overnight courier service, addressed to the parties hereto at the respective addresses set forth below, or at such other address as may be specified from time to time, in accordance with this Paragraph. Such notice shall be deemed given when delivered by hand or, if sent by Priority Certified United States mail, three (3) business days after it is deposited in an official United States Post Office, postage prepaid, or, if sent by overnight courier, the next business day after deposit with such overnight courier.

(i) If to Grantor: XXX

(ii) If to Grantee: City of Dunwoody  
4800 Ashford Dunwoody Rd  
Dunwoody, GA 30338

Attn: City Manager

[Signatures follow on the next page]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the date first above written.

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public  
My Commission expires: \_\_\_\_\_

[NOTARIAL SEAL]

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

Title: \_\_\_\_\_

[NOTARIAL SEAL]

GRANTEE:

City of Dunwoody, Georgia

A municipality of the State of Georgia

GRANTOR:

BY:

BY:

By: \_\_\_\_\_

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

By: \_\_\_\_\_

Title: \_\_\_\_\_

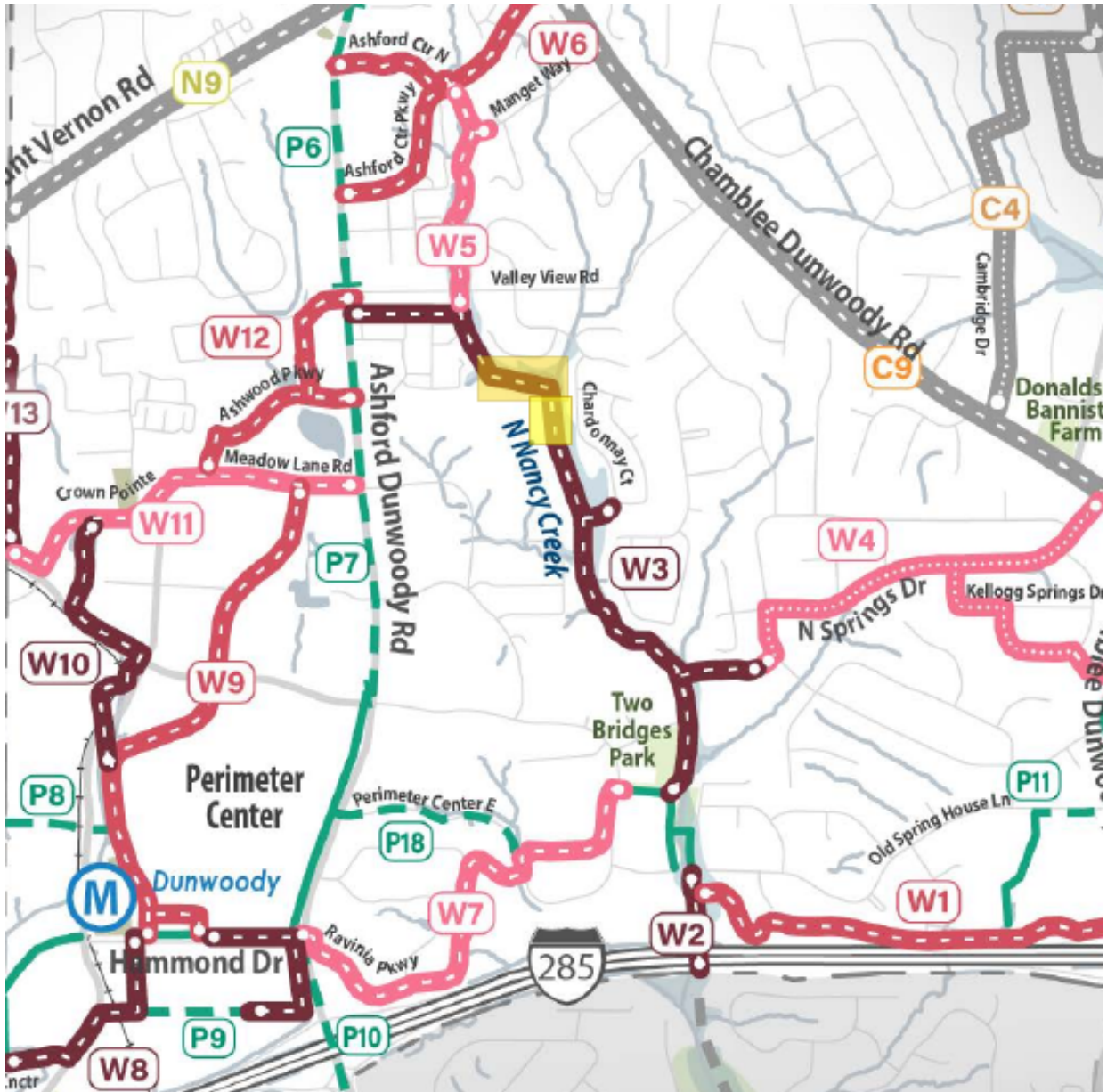
Name: \_\_\_\_\_

### Exhibit A

Attach survey

### Exhibit B

See "W3" in map and description below



### W3 – North Nancy Creek Greenway

The realization of the North Nancy Creek Greenway will require the consent of the multi-family and retail property owners along the west side of the creek. The description below is for planning purposes and does not represent approval from the property owners.

Segment W3 is the main portion of the North Nancy Creek Greenway. It begins at the existing Georgetown Bridge Trail behind the Endeavor Montessori School and tracks the west side of the creek north along parcels owned by the City of Dunwoody. It crosses at grade on Perimeter Center East Extension—a roadway serving the parcel at 40 Perimeter Center East before entering on the creek side of the multi-family property known as The Lofts Perimeter Center (100 Perimeter Lofts Circle). At this point, a spur to the east runs along the north side of the 40 Perimeter Center East parcel with a design respecting privacy needs for the residential neighbors to the north. The spur ends at Chateau Drive, where it becomes a calm street described in Segment W4.

The North Nancy Creek Greenway continues on the west side of the creek along a multi-family property known as the Heights at Dunwoody (2103 Asbury Square) and crosses onto the multi-family property known as The Hartley (350 Perimeter Center North) before continuing along the west side of the creek behind the Perimeter Village shopping center (where Walmart is the anchor

tenant). The greenway then crosses into the multi-family property known as MAA Dunwoody (4777 Ashford Dunwoody Rd), following the west side of the creek until just before the northern border of this parcel, where it tracks to the west along the MAA Dunwoody property before intersecting Ashford Dunwoody Road and the City's planned one-way cycle track (P6, P7). A short segment north of this intersection must be planned as a two-way cycle track to enable access to the sidepath on Ashford Gables Drive (see W12). A spur of the North Nancy Creek Greenway is covered in Segment W5.



**AN ORDINANCE TO AMEND THE ZONING CONDITIONS OF LAND LOT PARCEL NUMBER 18 350 01 167 IN CONSIDERATION OF ZONING CASE RZ26-01 (4725 ASHFORD DUNWOODY ROAD); TO AUTHORIZE CONCURRENT VARIANCES FROM CHAPTER 27—SECTION 98(b)(6), SECTION 98(d)(7), SECTION 98(d)(8), AND SECTION 209—OF THE ZONING ORDINANCE.**

**WHEREAS:** The Kroger Co seeks a rezoning to modify the zoning conditions for the property to allow the development of a grocery store with an associated gas station; and

**WHEREAS:** The Property, Tax Parcel 18 350 01 167, is located on the northern side of Meadow Lane approximately 750 feet east of the Meadow Lane and Ashford Dunwoody Road intersection, and consists of approximately 16.87 acres; and

**WHEREAS:** The Property, considered a part of the Perimeter Village Shopping Center, is currently developed with a 183,500 square foot shopping center; and

**WHEREAS:** The existing shopping center would remain, with minor improvements to the building, improvements to the parking lot and parking lot landscaping, improvements to the pedestrian circulation plan, and the construction of a new gas station; and

**WHEREAS:** Four concurrent variances are necessary to allow relief from design standards for drive-throughs and gas stations, streetscape requirements, and pedestrian circulation requirements; and

**WHEREAS:** The Mayor and City Council find that the proposed use aligns with the Perimeter—Transition Character Area of the 2045 Comprehensive Plan, which encourages the redevelopment of existing vacancies; and

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

**WHEREAS:** A public hearing was held by the Mayor and City Council of the City of Dunwoody as required by the Zoning Procedures Act.

**NOW THEREFORE,** The Mayor and City Council of the City of Dunwoody hereby **ORDAIN AND APPROVE** the rezoning to amend the zoning conditions and concurrent variance for the subject property to the following exhibits and conditions:

Exhibit A: Site plan prepared by Robertson, Loia, Roof, PC and dated March 16, 2026

Exhibit B: Elevations prepared by Robertson, Loia, Roof, PC and dated March 19, 2026

Exhibit C: Trail Easement Agreement \*DRAFT\*

Exhibit D: Camera Plan

1. Development of the site shall be substantially consistent with the site plan prepared by

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2026-\_\_-\_\_**

Robertson, Loia, Roof, PC and dated March 16, 2026, with minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.

2. Architectural characteristics of building façade to be substantially consistent with elevation prepared by Robertson, Loia, Roof, PC and dated March 19, 2026.
3. Applicant shall inspect all trees in the parking lot of the subject property before issuance of a Certificate of Occupancy. Dead or diseased trees found upon said inspection and any inspection in the future shall be replaced with new three-inch caliper, large deciduous trees from the General tree list in Sec. 16-116 of the Code of Ordinances. Any proposed trees that are not listed in Sec. 16-116 are subject to the review and approval of the City Arborist. Plantings shall be monitored for a two (2) year period from the date of issuance of a Certificate of Occupancy and shall be replaced if found dead or dying.
4. Maximum square footage of retail space for this shopping center tract shall not exceed 185,000 SF.
5. Temporary Outdoor sales shall be allowed as per the regulations in the Zoning Ordinance.
6. There shall be no overnight parking of RVs or campers in the parking lot.
7. Applicant shall add a pedestrian path and additional landscaped islands in accordance with the conceptual site plan. Doing so will not increase the nonconformity of any development features of the existing parking lot, which are legal nonconforming.
8. Property owner shall provide a floating easement on the subject property and adjacent property (Parcel ID: 18 350 01 172) to accommodate future trail development for the trail marked as W3 in the Dunwoody Trail Master Plan. See Exhibit C. This agreement shall be signed and recorded prior to the issuance of a Certificate of Occupancy.
9. The applicant shall utilize "cart keeper" technology to prevent shopping carts from being taken off site. This system shall be installed prior to the issuance of a Certificate of Occupancy.
10. Prior to the issuance of a Building Permit, the applicant shall provide a lighting plan demonstrating compliance with Section 27-250 of the zoning ordinance, except that the applicant shall be allowed to utilize the existing light poles with modifications to the light fixtures, as required by the code.
11. Truck deliveries are limited to the following allowable time windows: Monday-Friday from 6am to 11 pm and Saturday and Sunday from 7 am to 11 pm.
12. The applicant shall install outdoor security cameras as shown in Exhibit D.
13. The distance of the pedestrian crossings of the drive-through lane shall be shortened to the extent shown on the original plans, submitted March 3, 2026.

**SO ORDAINED AND EFFECTIVE** this \_\_\_\_ day of \_\_\_\_\_ 2026.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
Lynn P. Deutsch, Mayor

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

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2026-\_\_-\_\_**

Attest:

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

SEAL