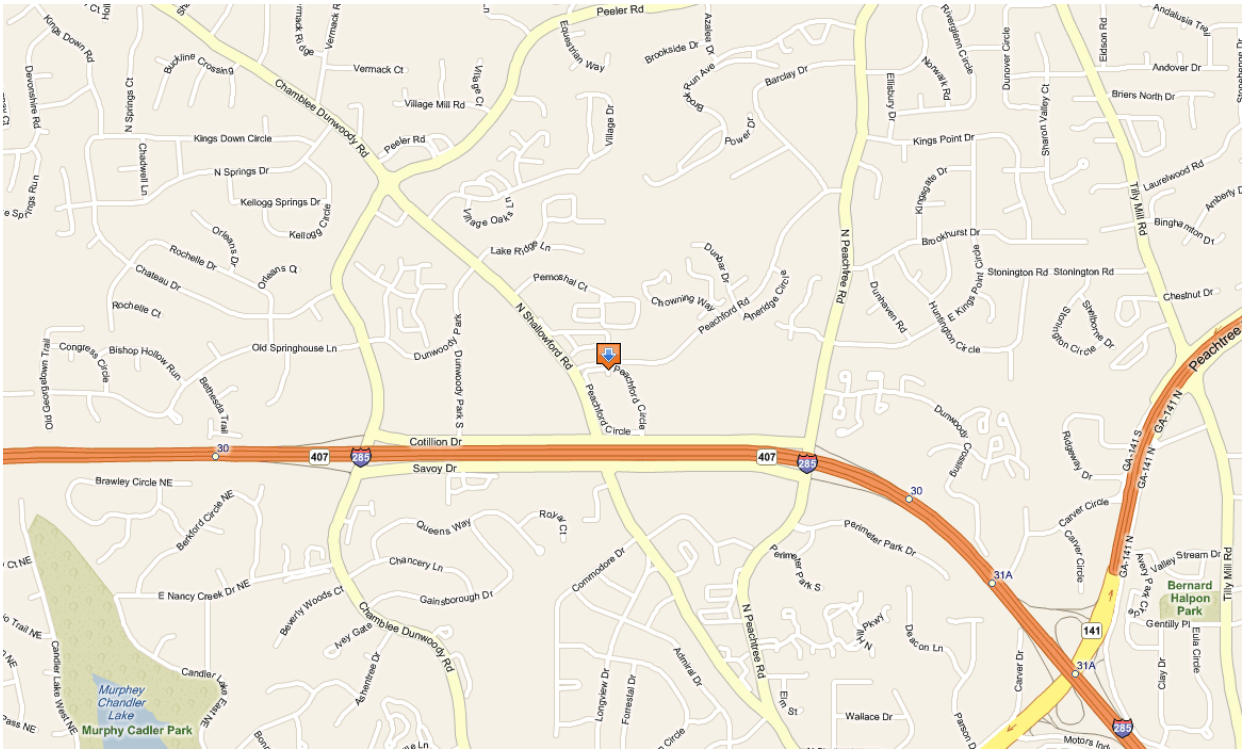
Variance Application Number:	**SLUP09-051**
Property Location	**10 Peachford Circle (LL 344)**
Owner/Petitioner	**Toni G. Curry** **The Curry Center** **4546-D Barclay Drive** **Dunwoody, Georgia 30338**
Request	**Special Land Use Permit to facilitate a residential transitional housing use in an RM-HD zoning district**

Vicinity Map



The site is located on the southeast corner of North Shallowford and Peachford Roads, just north of I-285. The property is currently zoned RM-HD (Multi-family residential district). The applicant's request is to facilitate a residential transitional housing use in an RM-HD zoning district.

Special Land Use Analysis

The site where the applicant plans to exercise this Special Land Use is an existing, fully developed apartment complex, the "Camden at Dunwoody". The applicant plans no changes to the structure

or the site at which the structure exists, and plans only to use the individual apartment units for residential purposes.

The impetus for this request originates with the City of Dunwoody business license process. Curry Recovery Center, Inc. (d/b/a The Curry Center) operates a non-profit organization "…[to provide] a safe, structured and supportive environment for women in recovery from the disease of addiction." One of the services offered by The Curry Center is an opportunity to transition from the structured environment of addiction counseling to a non-structured environment of everyday living. The Curry Center requires residential housing units to offer to their clients, so that those clients may experience this process. The clinical offices of The Curry Center do not contain residential units; therefore those residential units need to be leased on a contract basis from existing multi-family housing facilities, such as the Camden at Dunwoody. Because The Curry Center is using these residential housing units in the direct furtherance of their business, they are required to secure business licenses to operate at each residential unit they lease, much the same way a franchise restaurant is required to secure a business license at each of their locations.

This request to operate a portion of a commercial business at a residential apartment complex should not be characterized as a request to change the existing land use of the apartment complex. This is instead a request more or less akin to a home occupation. The request being made is to operate a residential use, albeit for-profit, at a residential venue in a zoning district where residential uses are permitted by right. The nature of the venture being for-profit is the reason for the Special Land Use Permit request.

Community Council

At their regular May meeting, the Community Council heard the applicant's request to operate this transitional housing use. After some discussion with the applicant related to the nature of the business, and the proposed use of the subject property specifically, a motion was made to **recommend approval** of the request, subject to two conditions: that the 'house manual' for conduct while at the apartment be reviewed for appropriateness, and that the use follow all applicable city codes set forth in the city ordinances.

Conditions of the Zoning Ordinance

Article 5, Section 5B-13 of the City of Dunwoody Zoning Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a special land use permit:

(a) Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
(b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
(c) Adequacy of public services, public facilities, and utilities to serve the use contemplated;
(d) Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

(e) Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
(f) Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
(g) Whether or not 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;
(h) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
(i) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
(j) Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;
(k) Whether or not the proposed use is consistent with the policies of the comprehensive plan;
(l) Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;
(m) Whether or not there is adequate provision of refuse and service areas;
(n) Whether the length of time for which the special land use permit is granted should be limited in duration;
(o) Whether or not 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;
(p) Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;
(q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
(r) Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

Recommendation

Staff recommends the application, as has been detailed and submitted to city staff, be approved, subject to the following conditions:

1. The special land use permit is non-transferable;
2. The permit is granted for the expressed purpose of a transitional housing use to be operated under direct supervision of The Curry Center, including only those residential uses permitted in the RM-HD zoning district;
3. The permit expires if or when The Curry Center suspends providing transitional housing services to its clients for a period of 90 days.

Attachments

- Application packet, including the application.

LAW OFFICE OF
KEVIN T. MOORE, P.C.
6111 PEACHTREE DUNWOODY ROAD, N.E.
BUILDING C, SUITE 201
ATLANTA, GEORGIA 30328-4522
TELEPHONE (770) 396-3622
FACSIMILE (770) 551-8701

April 22, 2009

Mr. Howard Koontz
City of Dunwoody
City Planner
400 Northridge Road, Ste. 1250
Atlanta, Georgia 30350

Re: Letter of Intent
Application of Curry Recovery Center, Inc. d/b/a The Curry Center for Special Land Use and Business License

Dear Mr. Koontz and Planning Commissioners:

Let this letter serve as Curry Recovery Center, Inc.'s formal application for a special land use permit and business license with the City of Dunwoody. Curry Recovery Center, Inc. is a non-profit corporation existing under the laws of the State of Georgia. This applicant seeks approval of its special land use application in furtherance of obtaining a business license to operate in the City of Dunwoody, Georgia. Let this correspondence serve as Curry Recovery Center, Inc.'s Letter of Intent so as to familiarize the Planning Commission with the purpose and intent of Curry Recovery Center, Inc.'s use of the business license as well as its land use permit.

CURRY RECOVERY CENTER, INC. d/b/a THE CURRY CENTER

Curry Recovery Center, Inc. (hereinafter referred to as "The Curry Center") is a Georgia Domestic Non-Profit Corporation existing under the laws of Georgia since October 7, 2008. See Certificate of Incorporation as Exhibit "1".

MISSION STATEMENT

The Curry Center provides a safe, structured and supportive environment for women in recovery from the disease of addiction. Our staff is committed to providing a program designed to assist individuals in early sobriety in learning to live independent, healthy and productive lives, while continuing to strengthen their program of recovery. In an effort to provide residents with the foundation necessary for successful long-term recovery, our program is based on the principles of the 12-step program of Alcoholics Anonymous. See Mission Statement attached as Exhibit "2".

TONI G. CURRY, MSW, LPC

Toni G. Curry, MSW, LPC has 37 years of professional experience in the area of addiction counseling and participates as an executive board member for a prestigious rehabilitation facility. The purpose of this application is to obtain a license through the City of Dunwoody for her consulting practice. The Special Land Use Permit is to provide residential housing for women in transition after their rehabilitation and during their counseling. The counseling offices are located 4546-D Barclay Drive, Dunwoody, Georgia 30338.

TAX MAP PLAT

An exhaustive search was made for an existing survey plat of the subject property to which The Curry Center will refer its clients. The Curry Center plans on leasing several apartments units at Camden at Dunwoody to keep the anonymity of their clients confidential. Enclosed for the Commission's review is the Certified Tax Map showing the location of Camden at Dunwoody. See Exhibit "3". The actual survey and plat could not be located as it is not identified in the legal property description. However, the certified Tax Plat attached hereto and made a part of this record appears in Map Book 5, page 362 in the DeKalb County Tax Records. Said document shows the property boundaries and total acreage and square footage of the property.

OWNERS OF THE PROPERTY

Included with this Letter of Intent is Applicant's Exhibit "4" which shows the name of the owner of Camden at Dunwoody as CSP Community Owner, LLC, a Georgia Limited Liability Corporation. The address for the owner of the property is C/O Camden, Summit Partnership, L.P., 3 Greenway Plaza, Suite 1300, Houston, Texas, 77046. The contact person is J. Robert Fisher. The telephone number is (713)354-2827. The email address is BFisher@camdenliving.com.

NOTARIZED AFFIDAVIT

The property owner's notarized certification shows the signature of J. Robert Fisher, Vice President, dated April 20, 2009 and the address is 3 Greenway Plaza, Suite 1300, Houston, Texas, 77046. The telephone number is (713) 354-2827. See Exhibit "5".

AUTHORIZATION TO ACT

The Authorization to Act as Applicant shows the applicant's signature as Toni G. Curry, who is authorized to act as applicant for The Curry Center, Inc. The owner's authorized agent is J. Robert Fisher, Vice President, CSP Community Owner, LLC whose address appears as 3 Greenway Plaza, Suite 1300, Houston, Texas 77046 and whose phone number appears as (713) 354-2827. See Exhibit "6".

LEGAL DESCRIPTION OF PROPERTY

Enclosed is the legal description of the property made the basis of the Special Land Use Application, i.e. Camden at Dunwoody. See Exhibit "7" as the legal description of the property located in Deed Book 21062, Page 177 which is the legal description of the property between Peachford Road and Cotillion Drive. The legal description being in Land Lot 344 of the 18th District, DeKalb County, Georgia as more specifically stated on Exhibit "7".

CLASSIFICATION

The zoning classification is RM-HD. This is an existing residential apartment complex which is zoned for multi-family residential use. The Curry Center's use of the property will be for residential purposes of its clients only. The multi-family purpose authorizes application for said use by special land use permit.

ANALYSIS OF IMPACT

There will be no analysis of impact of the proposed special land use permit as it is not applicable to the present case as The Curry Center clients will be referred by The Curry Center to live in the residential apartment units located at Camden at Dunwoody.

The Curry Center is a professional organization dedicated to the transition of women after rehabilitation. The lease of residential units will be in the name of The Curry Center and the apartment units at Camden at Dunwoody will be used solely for residential purposes to offer a safe and secure residence for said clients to transition back into society. We are hopeful that the Planning Commission will look favorably upon this application and grant The Curry Center its business license and land use application.

Very truly yours,

The Law Office of Kevin T. Moore, P.C.

Kevin T. Moore
Attorney for The Curry Center

KTM/tld
cc: Toni G. Curry

EXHIBIT
1

Control No. 08095826

STATE OF GEORGIA

Secretary of State

Corporations Division
315 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Karen C Handel**, the Secretary of State and the Corporations Commissioner of the State of Georgia, hereby certify under the seal of my office that

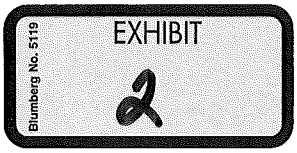
CURRY RECOVERY CENTER, INC.

a Domestic Non-Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **10/07/2008** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on October 7, 2008

Karen C Handel
Secretary of State



Mission Statement

The Curry Center, Inc. provides a safe, structured and supportive environment for women in recovery from the disease of addiction. Our staff is committed to providing a program designed to assist individuals in early sobriety in learning to live independent, healthy and productive lives, while continuing to strengthen their program of recovery. In an effort to provide residents with the foundation necessary for successful long-term recovery, our program is based on the principles of the 12-step program of Alcoholics Anonymous.

EXHIBIT 3

Blumberg No. 5119

STONE MOUNTAIN JUDICIAL CIRCUIT SUPERIOR COURT DEKALB COUNTY, GA

GEORGIA, DEKALB COUNTY
I HEREBY CERTIFY THE WITHIN AND FOREGOING TO BE A TRUE, CORRECT AND COMPLETE COPY OF THE ORIGINAL THAT APPEARS OF RECORD IN Map BOOK 5 PAGE 632 IN THIS
This 22 DAY OF April 20 09

DEPUTY CLERK DEKALB SUPERIOR COURT DEKALB COUNTY, GEORGIA

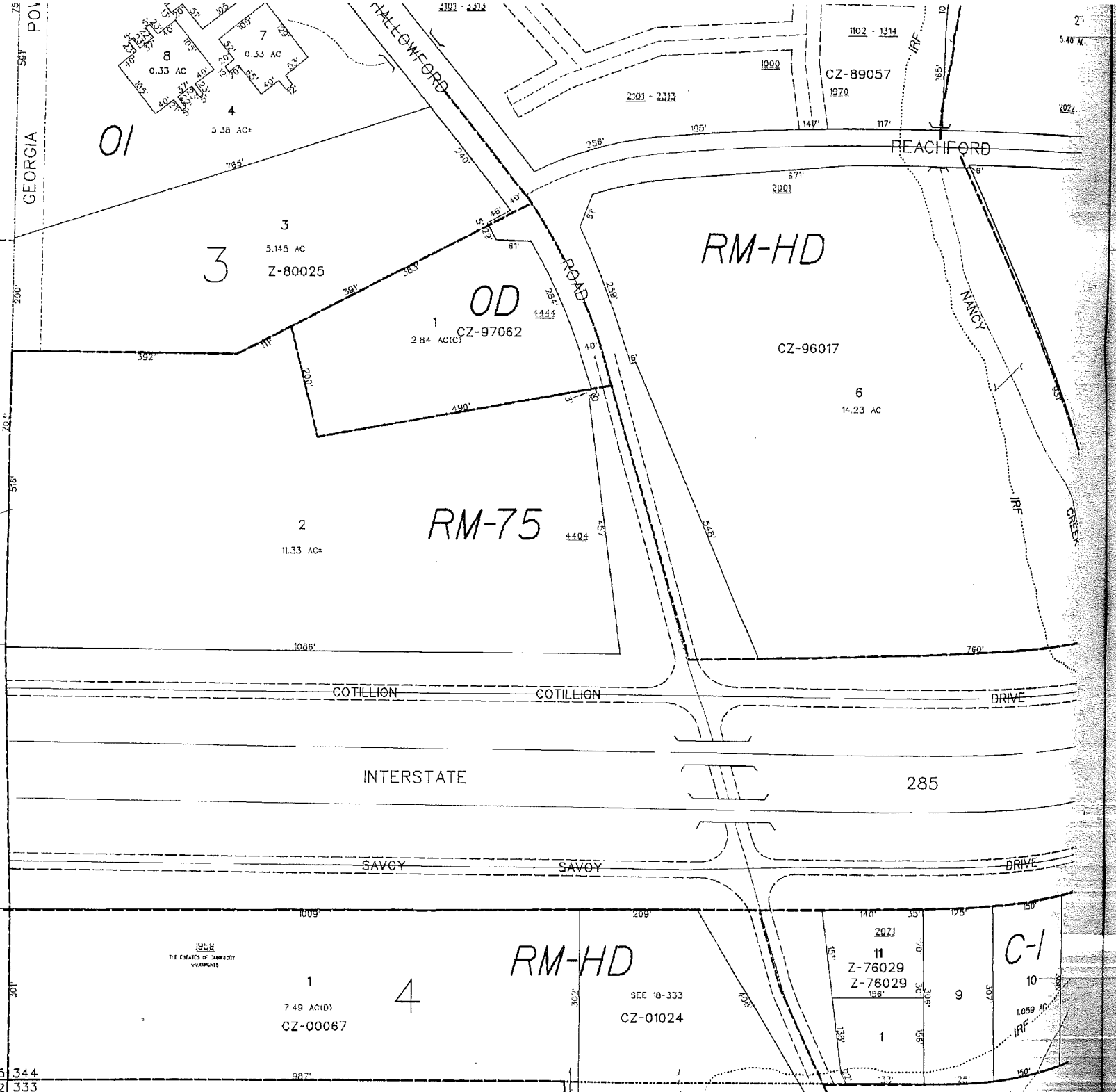


EXHIBIT 4

Special Land Use Application

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

Applicant Information

Name: THE CURRY CENTER, INC.

Address:

Phone: Fax: Email:

Property Owner Information

Owner's Name: CSP COMMUNITY OWNER, LLC

Owner's Address: C/O CAMDEN SUMMIT PARTNERSHIP, L.P. 3 GREENWAY PLAZA, SUITE 1300, HOUSTON, TX 77046 ATTN: J. ROBERT FISHER

Phone: (713) 354-270 Fax: 713(354)2710 Email: BFISHER@CAMDENLIVING.COM

Property Information

Property Address: 10 PEACHFORD CIRCLE Parcel ID:

DUNWOODY, GEORGIA 30338

Current Zoning Classification: MULTI-FAMILY

Requested Use of the property: RENTAL OF APARTMENT HOMES FOR RESIDENTIAL PURPOSES ONLY

Attestation

To the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.

Applicant's Signature: Toni L. Curry Date: 4/21/09

Property Owner's Signature: J. ROBERT FISHER VICE PRESIDENT Date: 4/20/09

Sworn to and subscribed before me this 20th Day of April, 20 09

Notary

Notary Public:

Signature: Terri L. Zastrow

My Commission Expires: 8-7-2010

TERRI L. ZASTROW
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 08-07-2010

EXHIBIT 5

Property Owner(s) Notarized Certification

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. If additional materials are determined to be necessary, the understand that they are responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinances.

Property Owner

Signature: J. Robert Fisher, Vice Pres. Date: APRIL 20, 2009

Address: 3 Greenway Plaza, Suite 1300 Houston, Tx. 77046 City, State: Houston, TX Zip: 77046

Phone: (713) 354-2827

Sworn to and subscribed before me this 20th day of April, 20 09

Notary Public: Terri L Zastrow

TERRI L. ZASTROW
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 08-07-2010

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

Sworn to and subscribed before me this _____ day of _____, 20_____

Notary Public:

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

Sworn to and subscribed before me this _____ day of _____, 20_____

Notary Public:

EXHIBIT 6

Special Land Use Application

City of Dunwoody
400 Northridge Road, Suite 1250
Atlanta, GA 30350
Phone: (678) 382-6800
Fax: (678) 382-6701

Applicant Information

Name: The Curry Center, INC.

Address: 4546-D BARCLAY DR. DUNWOODY, GA. 30338

Phone: 404-303-9494 Fax: 7-936-0201 Email: KTMLAW@BellSouth.NET

Property Owner

Owner's Name: CSP COMMUNITY OWNER, LLC

Owner's Address: C/O CAMDEN SUMMIT PARTNERSHIP, L.P. 3 GREENWAY PLAZA, Suite 1300, HOUSTON, TX 77

Phone: (713) 354-2827 Fax (713) 354-2710 Email: BFISHER@CamdenLiving.COM

Property Information

Property Address: 10 PINCHFORD Circle Parcel ID:

Dunwoody, GA. 30338

Current Zoning Classification: MULTI FAMILY

Requested Use of the property: RENTAL OF APARTMENT HOMES FOR RESIDENTIAL USE ONLY.

Affidavit

To the best of my knowledge, this special land use application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.

Applicant's Signature: Toni G. Curry Date: 2-6-09

Property Owner's Signature: Date:

Notary

Sworn to and subscribed before me this 6th Day of February, 20 09

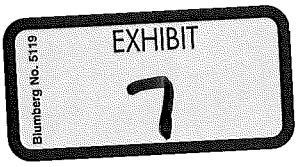
Notary Public: Tara Daniel

Signature:

My Commission Expires: 6/6/2010

TARA DANIEL
MY COMMISSION EXPIRES
NOTARY PUBLIC
JUNE 6, 2010
CARROLL COUNTY, GEORGIA

EXHIBIT A



Dunwoody
Legal Description

All that tract or parcel of land lying and being in Land Lot 344 of the 18th District, DeKalb County, Georgia, being more particularly described as follows:

BEGIN at an iron pin set at the intersection of the northeastern right-of-way of North Shallowford Road (right-of-way varies) with the southern right-of-way of Peachford Road (60-foot right-of-way); then run along the southern right-of-way of Peachford Road the following courses and distances: (1) along the arc of a curve to the right, 217.11 feet to a point (said curve having a chord bearing and distance of North 76 degrees 32 minutes 12 seconds East 216.28 feet, and a radius of 716.34 feet); (2) North 85 degrees 22 minutes 10 seconds East 284.64 feet to a point; (3) along the arc of a curve to the right, 114.01 feet to a point (said curve having a chord bearing and distance of North 89 degrees 10 minutes 50 seconds East, 113.99 feet, and a radius of 1,776.76 feet); and (4) South 88 degrees 45 minutes 22 seconds East, 114.89 feet to an iron pin set; then leave said right-of-way and run South 24 degrees 44 minutes 50 seconds East, 938.10 feet to an iron pin found on the North right-of-way of Interstate 285 Frontage Road (a/k/a Cotillion Drive) (73 feet from centerline); then run along said right-of-way South 89 degrees 44 minutes 59 seconds West, 760.60 feet to an iron pin set at the intersection of said right-of-way with the northeastern right-of-way of North Shallowford Road (94 feet from centerline); then run along said right-of-way the following courses and distances: (1) North 22 degrees 46 minutes 57 seconds West, 548.60 feet to a point; (2) South 71 degrees 38 minutes 16 seconds West 15.00 feet to an iron pin set (31 feet from centerline); and (3) along the arc of a curve to the left, 311.17 feet to the POINT OF BEGINNING (said curve having a chord bearing and distance of North 24 degrees 29 minutes 15 seconds West, 309.58 feet, and a radius of 887.48 feet).

LESS AND EXCEPT:

Right-of-Way Deed from Legacy Square Limited Partnership to DeKalb County, dated April 23, 1997, recorded at Deed Book 9424, Page 47, aforesaid records.

Tax map reference 18-344-02-006.

The aforesaid property being or intended to be the same property as described below:

All that certain piece, parcel or lot of land lying and being in Land Lot 344 of the 18th District, DeKalb County, Georgia and being more fully shown and designated on ALTA/ACSM Land Title Survey for Summit Properties Partnership, The Northwestern Mutual Life Insurance Company, and Chicago Title Insurance Company dated 08/16/02 prepared by Highland Engineering, Inc. and having the following metes and bounds to wit.

Beginning at a point at the intersection of the Northern right-of-way of Cotillion Drive (having a right-of-way of 100') with the Easterly right-of-way of North Shallowford Road (right-of-way varies) at a #4 rebar set, the POINT OF BEGINNING (P.O.B.); thence turning and continuing along the right-of-way of North Shallowford Road (right-of-way varies) North 22 degrees 46

minutes 54 seconds West (N22°46'54"W) a distance of 548.60' to a #4 rebar set; thence turning and continuing along said right-of-way South 71 degrees 38 minutes 16 seconds West (S71°38'16"W) a distance of 5.98' to a #4 rebar set; thence turning and continuing along said right-of-way a curve to the left with a radius of 896.48', arc length of 257.71', chord bearing of North 22 degrees 44 minutes 47 seconds West (N22°44'47"W) a chord distance of 257.71' to a #4 rebar set; thence turning and continuing along said right-of-way North 20 degrees 30 minutes 41 seconds East (N20°30'41"E) a distance of 60.74' to a rebar set; on the Southern right-of-way of Peachford Road (60' right-of-way); thence turning and continuing along said right-of-way along a curve to the right with a radius of 711.61', arc length of 155.40', chord bearing of North 78 degrees 57 minutes 35 seconds East (N78°57'35"E) a chord distance of 155.09' to a #4 rebar set; thence turning and continuing along said right-of-way North 85 degrees 22 minutes 10 seconds East (N85°22'10"E) a distance of 284.64' to a nailset; thence turning and continuing along said right-of-way along a curve to the right with a radius of 1771.76', arc length of 113.50', chord bearing of North 89 degrees 11 minutes 04 seconds East (N89°11'04"E) a chord distance of 113.48' to a #4 rebar set; thence turning and continuing along said right-of-way South 88 degrees 45 minutes 22 seconds East (S88°45'22"E) a distance of 117.32' to a #4 rebar set; thence turning and continuing leaving said right-of-way and continuing along the line of now or formerly FBA Properties South 24 degrees 44 minutes 50 seconds East (S24°44'50"E) a distance of 932.54' to a #3 rebar found on the North right-of-way of Cotillion Drive (100' R/W); thence turning and continuing along said right-of-way South 89 degrees 44 minutes 59 seconds West (S89°44'59"W) a distance of 760.60' to the POINT OF BEGINNING (P.O.B.) and containing 14.25 acres (620,560 sq. ft.).

EXHIBIT B

PERMITTED EXCEPTIONS

1. Ad valorem real property taxes for 2008 and subsequent years.
2. All valid and enforceable easements, conditions, encumbrances and restrictions of record and including any zoning ordinances or other applicable governmental restrictions.
3. All matters that would be shown by an accurate survey and/or inspection of the property.