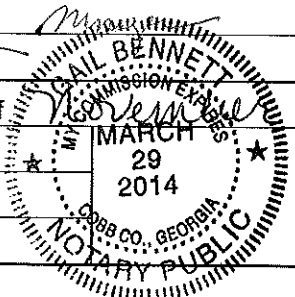


Variance Application



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

Type	Type of Request: <input checked="" type="checkbox"/> Zoning Variance (Board) <input type="checkbox"/> Sign Variance (Board) <input type="checkbox"/> Variance (Administrative)					
	Applicable Zoning/Sign Code Section: <u>SEE ATTACHED NARRATIVE</u>					
	Nature of Request:		Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input checked="" type="checkbox"/> Setback		(See Chart to the Right)		Front 75'	Front 75'
	<input type="checkbox"/> Sign				Side 50' / 15' <small>Previously Approved</small>	Side 15'
Project	Name of Project/Subdivision: <u>Georgetown Shopping Center</u>		Lot Area: <u>10.64 Acres</u>	Building Footprint: <u>132,681 sq'</u>		
	Property Address/Location: <u>4478 Chamblee Dunwoody Road, Dunwoody, GA</u>					
	District: <u>B</u>	Land Lot: <u>345</u>	Block: <u>03</u>	Property ID: <u>019</u>	Present Zoning: <u>C-1</u>	
Property Owner Information	Name: <u>John W. LUNDEN, III</u>					
	Company: <u>Georgetown Shopping Center LLC</u>					
	Address: <u>3715 Northside Parkway, 400 Northcreek, Suite 100, Atlanta, GA 30327</u>					
	Phone: <u>404-846-4001</u>	Fax: <u>404-846-8660</u>				
Representative	Name: <u>PAUL G. LUDWIG</u>					
	Company: <u>CORO REALTY ADVISORS, LLC</u>					
	Address: <u>3715 Northside Parkway, 400 Northcreek, Suite 100, Atlanta, GA 30327</u>					
	Phone: <u>404-846-4032</u>	Fax: <u>404-846-8660</u>				
Affidavit	To the best of my knowledge, this variance 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. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.					
	Property Owner's Signature: <u>[Signature]</u>				Date: <u>11.4.10</u>	
Notary	Representative's Signature: <u>[Signature]</u>				Date: <u>11.4.10</u>	
	Sworn to and subscribed before me this <u>24th</u> Day of <u>November</u> , 20 <u>10</u>					
	Notary Public: <u>Gail Bennett</u>					
Office Use	Signature: <u>Gail Bennett</u>				Date: <u>11/4/10</u>	
	Date: <u>11/4/10</u>					
	Application Received By: <u>PMK</u>				Date: <u>11/4/10</u>	
	Project Title: <u>ZBA 11-012</u>		Project Number: <u>96</u>			
	Fee: \$	Received By: <u>PMK</u>	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input checked="" type="checkbox"/> CC		Date: <u>11/4/10</u>	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied By:					Date: <u>11/4/10</u>	
Additional Notes:						



Campaign Disclosure Statement



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

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

YES NO

Applicant / Owner	Signature: <i>[Handwritten Signature]</i>
	Address: <i>3715 Northside Parkway, 400 Northcreek, Suite 100, Atlanta, GA 30327</i>
	Date: <i>11/4/10</i>

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

Date	Government Official	Official Position	Description	Amount

PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 345 of the 18th District of DeKalb County, Georgia, being more particularly described as follows:

BEGINNING at a concrete right-of-way marker found at the intersection of the northwestern side of the Chamblee-Dunwoody Road westbound ramp to Interstate 285 with the northwestern side of Interstate 285; thence south $80^{\circ} 15' 55''$ west along the northwestern right-of-way line of Interstate 285, 524.26 feet to an iron pin found; thence north $9^{\circ} 37' 04''$ west 561.40 feet to an iron pin set; thence north $88^{\circ} 52' 38''$ east 35.0 feet to an iron pin set; thence north $8^{\circ} 05' 00''$ west 147.08 feet to an iron pin set; thence north $72^{\circ} 18' 23''$ east 444.38 feet to an iron pin set; thence south $17^{\circ} 41' 37''$ east 20.0 feet to a nail set; thence north $72^{\circ} 18' 23''$ east 200.0 feet to an iron pin set on the southwestern right-of-way of Chamblee-Dunwoody Road (having a 100-foot right-of-way); thence south $17^{\circ} 47' 01''$ east along the southwestern right-of-way of Chamblee-Dunwoody Road, 94.29 feet to an iron pin set; thence south $16^{\circ} 45' 15''$ east along the southwestern right-of-way of Chamblee-Dunwoody Road, 102.84 feet to an iron pin set; thence south $12^{\circ} 30' 03''$ east along the southwestern right-of-way of Chamblee-Dunwoody Road, 102.29 feet to an iron pin set; thence $5^{\circ} 19' 20''$ east along the western right-of-way of Chamblee-Dunwoody Road, 150.50 feet to an iron pin set; thence south $3^{\circ} 20' 43''$ west along the western right-of-way of Chamblee-Dunwoody Road, 97.47 feet to an iron pin found at the northeast corner of property now or formerly owned by Gulf Oil Corporation, acquired by Deed recorded in Deed Book 3021, page 411, DeKalb County, Georgia, Records; thence north $80^{\circ} 24' 15''$ west along the northeast line of said Gulf Oil property, 174.99 feet to an iron pin found; thence south $9^{\circ} 35' 45''$ west along the northwest line of said Gulf Oil property, 175.0 feet to an iron pin set at the southwest corner of said Gulf Oil property; thence south $80^{\circ} 24' 15''$ east along the southwest line of said Gulf Oil property, 175.0 feet to an iron pin set on the northwestern side of the Chamblee-Dunwoody Road westbound ramp to Interstate 285; thence south $46^{\circ} 10' 17''$ west along the northwestern side of the westbound ramp to Interstate 285, 115.71 feet to a concrete right-of-way marker found on the northwestern side of Interstate 285, being the POINT OF BEGINNING.

The above described property contains 10.67 acres and is described according to a plat of survey prepared for Branch and Associates by Hartrampf Powell Incorporated, dated January 19, 1977, which plat is incorporated herein by this reference.



REALTY ADVISORS, LLC

404-846-4000

400 Northcreek, Suite 100
3715 Northside Parkway
Atlanta, Georgia 30327

Fax: 404-846-8660

November 18, 2010

City of Dunwoody
Department of Community Development
41 Perimeter Center East
Suite 250
Dunwoody, GA 30346

RE: Letter of Intent for Variances for Hardships from the City of Dunwoody Zoning Ordinance for Georgetown Shopping Center located at 4478 Chamblee Dunwoody Road, 10.7 acres located in Land Lot 345 of the 18th district of DeKalb County.

This Application seeks variances to the current City of Dunwoody Zoning Ordinance contained in the C-1 (local commercial) District and Landscaping ordinance for retail uses. This request comes as a part of the renovation of the Shopping center as a result of the major anchor, Kroger, expanding and renovating their existing store.

Georgetown Shopping Center consists of two tax parcels: both parcels (18 345 03 019 & 18 345 03 020) are currently zoned C-1 and contain one 129,156 sf retail shopping center and one single story out building of approximately 1,400 sf. The total property contains approximately 10.7 acres. Both buildings were developed in the 1960's and have undergone several renovations over the years. This property was originally developed under very early land development ordinance of DeKalb County. Subsequently, many of its building and site characteristics are not in keeping with current City of Dunwoody Ordinances and create a hardship towards future development.

With an aged property of this type, a large quantity of pre-existing conditions is inevitable and it becomes virtually impossible from a financial and physical basis to meet current development codes.

In order to allow this particular renovation to occur, consequently we require a total of nine (9) hardship variances including:

A. Site Variances:

1. 80% Lot Coverage Maximum per sec. 27-991
2. 20% Open Area Minimum per sec. 27-991
3. A reduction of the 30' Rear Yard Setback along Northern Property Line to 15' per sec. 27-987

B. Landscaping Variances:

1. Sec. 16-185
 - To reduce the 15' front/side landscape strips to variable widths, where existing conditions restrict the landscape strip width.
 - To reduce the 5' rear landscape strip to 0' due to existing conditions.

Amendment 11/18/10

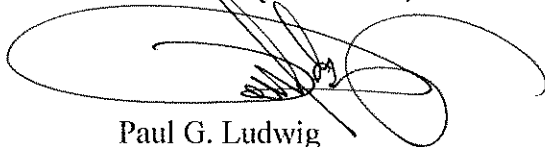
2. Sec. 16-186
 - To eliminate the current requirement of ‘all required landscape strips shall be designed with a minimum 60% coverage in trees and large shrubs’.
3. Sec. 16-189
 - To reduce the required size of planter islands of 400 square feet. While the majority of the proposed landscape islands are over 400 square feet, some are sized less than 400 square feet.
 - To eliminate the requirement to have one landscape island located every 10 parking spaces.
4. Sec. 16-195
 - To be exempt from the all site tree density requirements and specifically the requirement of 20 units per acre due to the existing conditions.
 - To remove existing trees in “protected zones”, i.e. street frontage along Chamblee Dunwoody Road so as to develop a better treescape plan.
 - To be exempt from the requirement of “understory trees may constitute no more than 25% of the required trees.”
5. Sec. 16-192
 - To eliminate the requirement to irrigate the site landscaping. We plan to provide an alternate irrigation system at a later date.

The proposed hardship variances are required due to the existing stat of the building and site conditions of the aged Subject Property. The variances will allow the renovation of the center to address the design intent of the ordinances in regards to environmentally sensitive and natural aesthetic features and landscaping without unduly restricting the property. The community has requested site renovations for years, and we are finally in a position to provide them. Overall the site will be superior to its current condition once renovated.

As required by the Georgia Courts, the Applicant must provide notice to the City of Dunwoody that the failure to grant the variances for this property may adversely affect constitutionally protected rights.

Yours truly,

Coro Realty Advisors, LLC



Paul G. Ludwig
Vice President – Development

cc: John W. Lundeen, III
Kathryn Zickert, Esq.
Arahn R. Hawkins
Kim K. Traylor

Amendment 11/18/10

Georgetown Shopping Center

Requested Variances Narrative

11.18.10

A. Site Variances:

1. **80% Lot Coverage Maximum per sec. 27-991**
 - ▶ The subject property has 92.2% coverage. When finished the site will have 89.9% coverage. A decrease in lot coverage would result in inadequate parking which is already below code.
2. **20% Open Area Minimum per sec. 27-991**
 - ▶ See the explanation above. Additional landscape islands will increase the amount of open area. At present the site contains 36,155 sf (7.8%) open space. After renovation, the site will contain 49,332 sf (10.1%) of open space.
3. **A reduction of the 30' Rear Yard Setback along Northern Property Line to 15' per sec. 27-987**
 - ▶ An administrative variance was granted in September 20 1994 to allow a 15 foot setback between Kroger and the property line shared with the offices to the north. . The City is still trying to verify the existence of the variance based on the County's records. If this can not be verified we request this variance be granted again

B. Landscaping Variances:

1. **Sec. 16-185**
 - To reduce the 15' front/side landscape strips to variable widths, where existing conditions restrict the landscape strip width.
 - ▶ The required 15 foot front landscape strip would require the removal of parking spaces along Chamblee Dunwoody Road in a high demand area. However, to compensate for this we have proposed a streetscape renovation along Chamblee Dunwoody Road. The other side yards are of variable conditions in both width and ability to conform to the requirements without major relocation of driveways and such.
 - To reduce the 5' rear landscape strip to 0' due to existing conditions.
 - ▶ The rear yard is along the property line between the Retail B building and the Atrium and Georgetown Loft properties. The truck drive and parking in this location is possible due to an easement from the adjoining property owner. It would not be possible to have a rear 5 foot landscape strip in these areas since it would either block truck access or be one the adjacent property owner's property.
2. **Sec. 16-186**
 - To eliminate the current requirement of 'all required landscape strips shall be designed with a minimum 60% coverage in trees and large shrubs'. Instead, we are proposing a reasonable streetscape that does not interfere with Kroger's limited visibility, and also does not affect visibility of the attached shops and Guthrie's.
 - ▶ Due to the existing conditions and the proposed additions, we balanced the size and density of the landscape strips with the area available. Also due to the topography of the site, we felt it very important to maintain high visibility for the security of our customers.

Georgetown Shopping Center

Requested Variances Narrative

11.18.10

(Cont'd Page 2)

3. Sec. 16-189

- To reduce the required size of planter islands of 400 square feet. While the majority of the proposed landscape islands are over 400 square feet, some are sized less than 400 square feet, because otherwise the parking would be reduced.
- ▶ In the balance between the number of parking spaces and the planter islands, we are required to reduce the size of several islands to maximize then number of parking spaces. We strived to attain the intent of the ordinance without meeting the requirements 100% of the time.
- To eliminate the requirement to have one landscape island located every 10 parking spaces.
- ▶ We have attempted to balance the number of parking spaces with the quantity of parking islands. To increase slightly the number of parking spaces (which number will remain below required number of spaces) we have reduced the quantity of landscape islands.. again, we strived to attain the intent of the ordinance without meeting the requirements 100% of the time.

4. Sec. 16-195

- To be exempt from all the site tree density requirements in the code. Specifically the requirement for of 20 units per acre. This is due to the existing conditions.
- ▶ Currently there are minimal trees on site at present; we have proposed a level of planting that is both aesthetically pleasing and safe visually. We have increased the number of trees present by adding trees in the available land. Due to the age and existing configuration of the property there is very little opportunities for adding additional tress..
- To remove existing trees in “protected zones”, i.e. street frontage along Chamblee Dunwoody Road.
- ▶ In an effort to enhance the streetscape along Chamblee Dunwoody it became evident that the existing trees in that area were poorly placed, old and just not an aesthetically pleasing specimens (hollies). To adjust the entrance radius and work in the new scheme, it is better to remove and replant them in accordance with the proposed landscape plan which is consistent with the overall plan for the Chamblee-Dunwoody streetscape.
- To be exempt from the requirement of “understory trees may constitute no more than 25% of the required trees.”

Amendment 11/18/10

Georgetown Shopping Center

Requested Variances Narrative

11.18.10

(Cont'd Page 3)

- ▶ Again based on balancing the area available to the proposed landscaping, more understory trees will be aesthetically pleasing in such confined areas. Also in the small landscape areas they would be more conducive to growth

5. Sec. 16-192

- To eliminate the requirement to irrigate the site landscaping.
- ▶ We intend to minimize the need for irrigation with plant selection and care during installation. This is in response to the ongoing drought conditions that do not allow the use of irrigation. Also it will be extremely difficult and costly to extend new water lines and install new irrigation piping throughout the existing paved parking lot that is layered in old utility lines.