
MEMORANDUM

To: Mayor and City Council

From: Mike Tuller

Date: March 14, 2011

Subject: **Discussion of Rezoning Application for 5528 Chamblee Dunwoody Road**

ITEM DESCRIPTION

Request

The applicant seeks to rezone a property located at 5528 Chamblee Dunwoody Road from C-1c (Local Commercial District, conditional) to C-1c (Local Commercial District, conditional). The intent is to remove an undisturbed landscape buffer yard through a change of existing zoning conditions, while keeping the zoning designation itself the same.

Applicant

Boos Development Group, Inc. / Seth Swisher; on behalf of Fowler Enterprises, Inc., Owner

Property Data

- Address; Land Lot & District: 5528 Chamblee Dunwoody Road, Dunwoody Georgia 30338; LL 366, District 18
- Council District: District 1
- Existing Zoning and Land Use: C-1c (Local Commercial District, conditional) & DVOD (Dunwoody Village Overlay District); the property operates today as a multi-tenant automotive service establishment (Havoline and Just Brakes)
- 2030 Comprehensive Plan Future Development Map Designation: Dunwoody Village

BACKGROUND

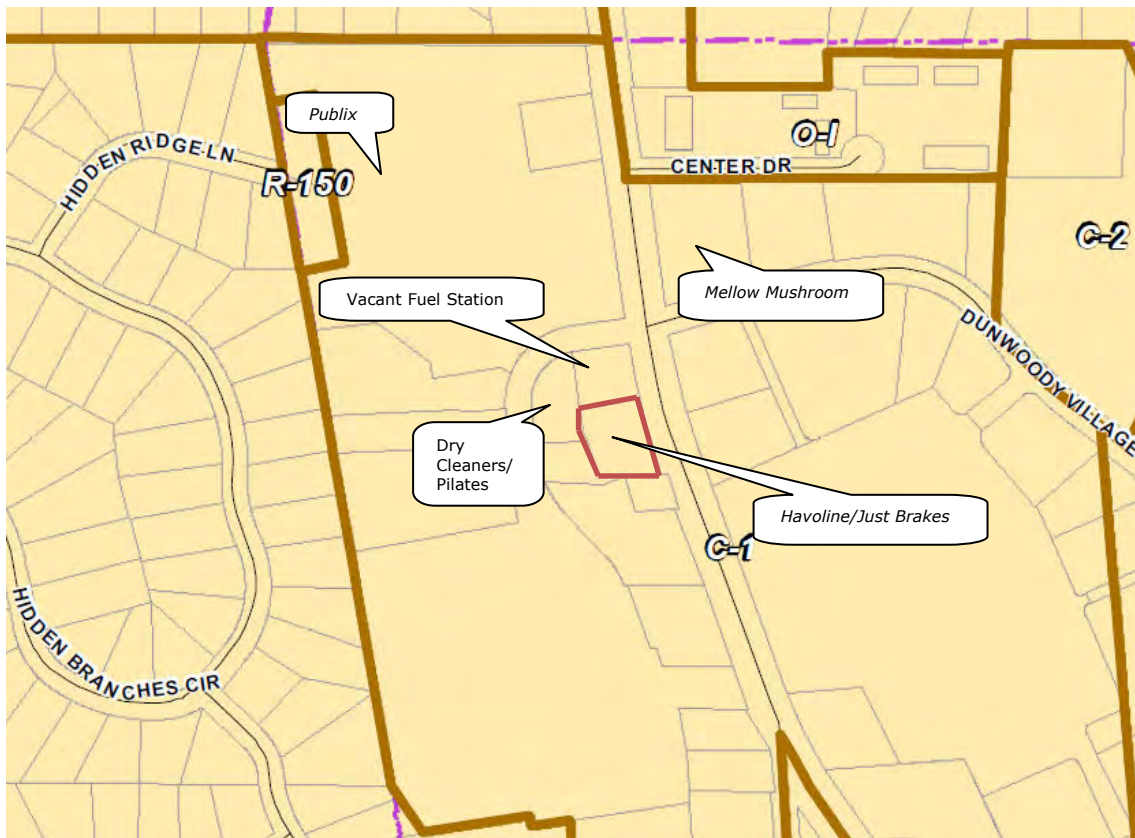
Summary

The applicant, Boos Development, seeks to redevelop a pair of lots into a bank building with a separate drive-through facility. The lots are located on- and just west of the corner of Chamblee Dunwoody Road and Dunwoody Village Parkway. Currently, on the corner lot (5540 Chamblee Dunwoody Road) there is a vacant fuel station and adjacent to the west is a two-story multi-tenant retail structure (1259 Dunwoody Village Parkway) housing a dry cleaners on the ground floor and a Pilates studio on the second floor.

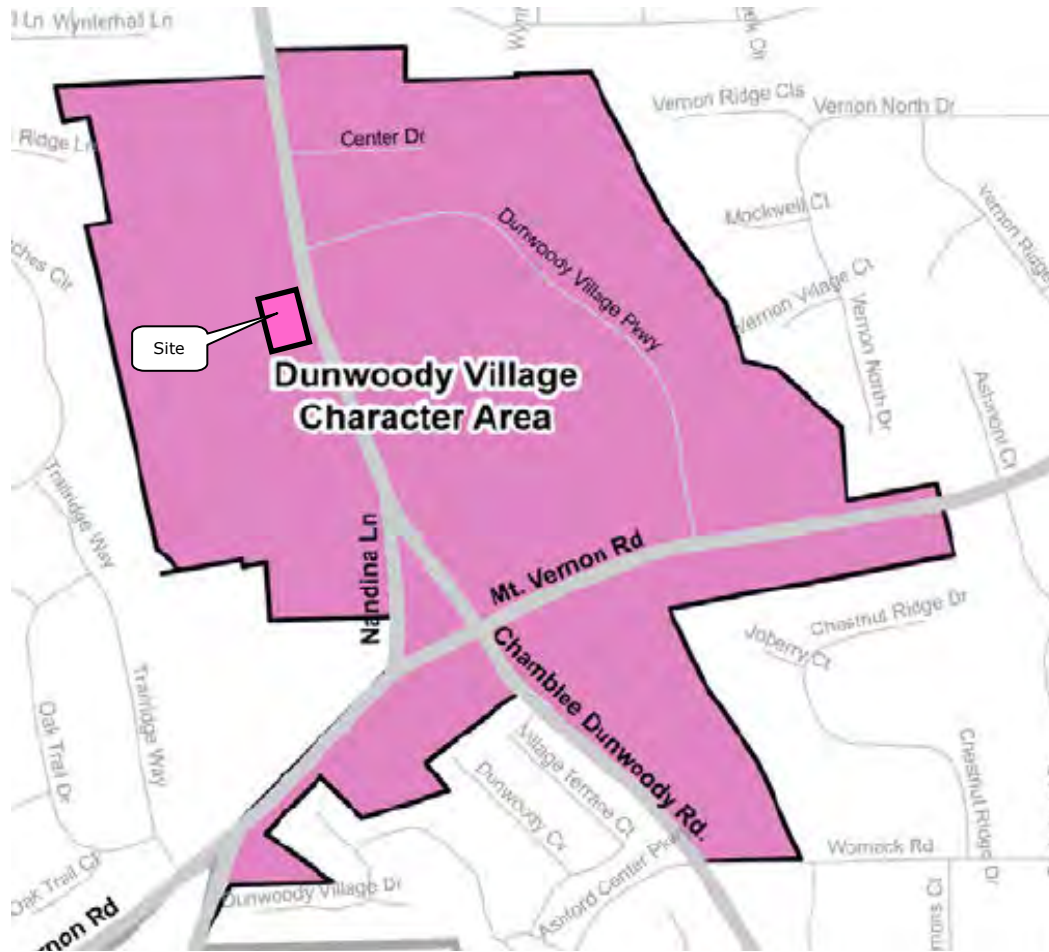
In order to facilitate the proposed redevelopment project, a number of actions will have to

be undertaken: (1) those two lots will have the existing structures, parking lots and driveways removed; (2) those same lots will then have to be combined into one large parcel, while at the same time incorporating additional land from the *Havoline/Just Brakes* property (5528 Chamblee Dunwoody Road) to the south; (3) there is a portion of the *Havoline/Just Brakes* site, 50 feet in depth, between 5540 and 5528 Chamblee Dunwoody Road, that currently exists as a conditional undisturbed landscape buffer which at one time existed between two dissimilar zoning districts. All the zoning districts in question today are C-1/DVOD, so there are no longer any dissimilar districts remaining. This rezoning action seeks to remove that condition of prior zoning, allowing the 50 foot section of land to be developed as a part of the redevelopment site.

Vicinity Map



Comprehensive Plan Future Development Map



Site Analysis

This zoning application applies to the developed property located at 5528 Chamblee Dunwoody Road, which serves as a multi-tenant automobile service structure housing the *Havoline* vehicle maintenance store and *Just Brakes*, a brake and exhaust repair store. On the northern-most portion of the parcel there is a 50-foot undisturbed landscape buffer between the existing building/parking lot and the existing vacant fuel station to the north. The applicant in this action, Boos Development, seeks to redevelop a pair of adjacent lots into a bank building with a separate drive-through facility. The intent of the applicant’s rezoning application is to remove the conditional provision of previous zoning, originally affected in 1985 as a part of zoning action CZ-85083, which required a 50’ buffer to surround the then-Calvary Baptist Church. Despite a series of property line shifts, and further rezoning in 1992 (Z-92005), the original 50-foot buffer still exists and now rests on the 5528 lot. The existing buffer would need to be removed to complete the proposed redevelopment project scheduled for two properties north of the subject property.

Therefore, there are no proposed site developments or existing improvement changes proposed for the rezoning site. The northern-most property line of 5528 Chamblee Dunwoody Road, which extends on an east-west line, will be moved north approximately 20

feet, and will become an adjoining property line with the 5540 lot to the north. Essentially this lot line realignment will dissolve the orphan buffer easement between those two existing developed lots. The new side (north) yard of 5528 will be landscaped pursuant to the City of Dunwoody Tree Protection and Tree Preservation ordinance.

The parcels on all sides of the subject property are commonly zoned C-1/DVOD. To the south is the Dunwoody Chamber of Commerce building; to the east is the Dunwoody Village shopping center outparcels – Starbucks, Smoothie King & Iron Stone Bank; to the north is a now vacant *Texaco* fuel station, and to the west is The Shops at Dunwoody/Dunwoody Hall – Sunshine Car Wash.

Planning Analysis

There has been submitted to the City of Dunwoody a request to rezone a property located on Chamblee Dunwoody Road, just south of its intersection with Dunwoody Village Parkway in the Dunwoody Village Overlay District. Ultimately, the plan is for a vacant *Texaco* gas station on the southwest corner of Chamblee Dunwoody Road and Dunwoody Village Parkway & a two-story commercial structure on the west side of that site to be demolished, and in their places a full-service bank and accessory drive-thru to be constructed.

Since 1985, the development site has been zoned Local Commercial (C-1c). One of the conditions from that May 28, 1985 rezoning included a 50-foot undisturbed buffer on what is today the northern property line of the subject property.

The parcel proposed to be rezoned through this application is adjacent to the development site, and was zoned Local Commercial (C-1c) District on January 28, 1992. In the interim, the property that comprises the 50-foot undisturbed buffer, once north of the site, came under the ownership of the subject property.

In short, the property proposed to be rezoned is not the property that will be redeveloped if the zoning request is approved; the rezoning is required to remove a 50-foot buffer so that the neighboring property can be developed as indicated on the attached site plan.

CONDITIONS OF THE ZONING ORDINANCE

Chapter 27, §27-1437 identifies the following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

(1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; *Staff believes the proposal is appropriate, based on the observation that the buffer in question is vestigial in that the dissimilar zoning districts being separated are now commonly zoned C-1/DVOD.*

(2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; *The use on the site is not proposed to change, the use proposed on the adjacent site is a financial institution, which is suitable when compared and contrasted with adjacent uses.*

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; *All the properties involved in this zoning action have reasonable economic use as currently zoned.*

(4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; *The proposal will have a negligible effect on the*

properties in question, and the properties surrounding the immediate region of the proposed development action.

(5) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; *Staff finds there are no such conditions.*

(6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; *Staff cannot identify any such adverse affects on the district or any real property in the immediate vicinity.*

(7) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. *The proposal for the site in question will have no effect whatsoever on city streets, infrastructure or schools.*

Zoning Analysis

The purpose and intent of the city council in establishing the C-1 (Local Commercial) District is as follows:

- (1) To provide convenient local retail shopping and service areas within the city for all residents;
- (2) To provide for the development of new local commercial districts where so designated on the comprehensive plan;
- (3) To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods.

Although this action seeks a change of conditions on a property to the south of the actual development site, the portion of the southern property (through a boundary change) will be incorporated to the north into the development site. That portion is currently restricted from development by terms of the zoning conditions implemented in 1985.

Those restrictive conditions were approved because in 1985 the parcel in question, with different property borders, was zoned R-150, and as a function of the surrounding properties being zoned to C-1, a buffer between dissimilar districts was required to distance the commercial uses from the R-150 parcel. As the site is no longer zoned residential, the buffer is now no longer required to separate dissimilar districts.

This zoning action has a negligible impact on the Comprehensive Land Use Plan developed for the City of Dunwoody through 2030, because there is no actual development planned on the subject site. Even as such, the action will result in the redevelopment of an adjacent parcel, and that redevelopment is consistent with the text of the Comprehensive Plan.

Attachments

- Application submittal materials
- Chase Bank preliminary site plan (not approved for construction)
- Site plan, dated November 3, 1982, reflecting the conditions of zoning created by DeKalb County zoning action #CZ-85083.

RECOMMENDED ACTION

Staff Recommendation

Staff recommends the application to remove the previously approved 50' landscape buffer yard be approved as presented, and the official zoning conditions of the site be amended to reflect that.

Community Council Recommendation

At their special called January 18, 2011 meeting, the Community Council voted in favor of the application by a vote of 5-0.

Planning Commission Recommendation

At their regularly scheduled February 8, 2011 meeting, the Planning Commission voted in favor of the application in accordance with staff's recommendation (7-0).

Rezoning Application



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

Proposed group

Applicant Information	Name: Boos Development Group, Inc. / Seth Swisher PZ 11-011; 103	
	Address: 2651 McCormick Drive, Clearwater, Florida 33759	
	Phone: (727) 669 2900	Fax: (727) 669 2915 Email: sswisher@boosdevelopment.com
Property Owner	Owner's Name: Fowler Enterprises Inc	
	Owner's Address: 230 Canal Boulevard, Suite 2, Ponte Vendre, FL 32082	
	Phone: (904) 806-0765	Fax: Email: TERRYF2004@COMCAST.NET
Property Information	Property Address: 5528 Chamblee Dunwoody Road Parcel ID: 18 366 01 003	
	Dunwoody, Georgia 30338	
	Current Zoning Classification: C-1 (conditional)	
	Requested Zoning Classification: C-1 (amended conditions)	
Questionnaire	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? Yes. The Chase Bank will serve the local community.	
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? Yes. Zoning will remain C-1.	
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? No. The subject property cannot be developed without approval of the change of condition.	
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No.	
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? Yes. The subject area can only be developed after a change of zoning condition is approved.	
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? No.	
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No.	
Affidavit	To the best of my knowledge, this zoning 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:	Date: 12/15/10
Notary	Property Owner's Signature: _____ Date: _____	
	Sworn to and subscribed before me this 15th Day of December , 2010	
	Notary Public: R J Sullivan Signature: My Commission Expires: 2/11/2013	

Rezoning Application **Received 12/21/10**

Rezoning Application



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


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	Phone:	Fax: Email:
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	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? No. The subject property cannot be developed without approval of the change of condition.	
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No.	
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? Yes. The subject area can only be developed after a change of zoning condition is approved.	
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? No.	
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No.	
Affidavit	To the best of my knowledge, this zoning 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: <i>Terry Fowler</i>	Date: 12/17/2010
Notary	Property Owner's Signature: <i>Terry Fowler</i>	Date: 12/17/2010
	Sworn to and subscribed before me this _____ Day of _____, 20____	
	Notary Public: <i>Frankie C Tedder</i>	
Signature: <i>Frankie C Tedder</i>		
My Commission Expires: <i>December 7, 2012</i>		

Property Owner(s) Notarized Certification



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

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.

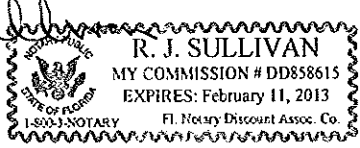
Property Owner	Signature: <u>Terry Fowler</u>		Date: <u>12/17/2010</u>
	Address: <u>230 CANAL BLVD #2</u>		City, State: <u>PONTE VEDRA FL</u> Zip: <u>32082</u>
	Phone: <u>904-806-0765</u>		
	Sworn to and subscribed before me this <u>17</u> day of <u>December</u> , 20 <u>10</u>		
Property Owner (If Applicable)	Notary Public: <u>Frankie C Tedder</u> 		
	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
	Signature:		Date:
	Address:		City, State: Zip:
Phone:			
Sworn to and subscribed before me this _____ day of _____, 20_____			
Notary Public:			

Applicant/Petitioner Notarized Certification



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

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature: <u>[Signature]</u>		Date: <u>12/15/10</u>
	Address: <u>2651 McCormick Drive</u>		City, State: <u>Clearwater, FL</u> Zip: <u>33759</u>
	Phone: <u>(727) 669 2900</u>		
	Sworn to and subscribed before me this <u>15th</u> day of <u>December</u> , 20 <u>10</u>		
	Notary Public: <u>R.J. Sullivan</u> 		
Attorney / Agent	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

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>Terry Fowler</i>
	Address: <i>230 CANAL BLVD #2 PONTE VECCHIA FL 32082</i>
	Date:

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

Date	Government Official	Official Position	Description	Amount

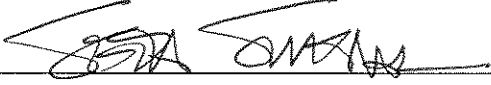
Campaign Disclosure Statement



City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
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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: 
	Address: 2651 McCormick Drive, Clearwater, FL 33759
	Date: 12/15/10

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

Date	Government Official	Official Position	Description	Amount

EXHIBIT "A"

PARCEL "B"

A .164 acre tract of land lying and being in Land Lot 366 of the 18th District, DeKalb County, Georgia and being more particularly described as follows:

Commence at the common Land Lot corners of Land Lot numbers 365, 366, 376, and 377 of said District; THENCE Southerly along the West line of Land Lot 366 the following bearings and distances:
 South 09 degrees, 26 minutes, 49 seconds East, 147.59 feet; South 09 degrees, 08 minutes, 31 seconds East 130.93 feet; South 09 degrees, 46 minutes, 36 seconds East 290.26 feet; THENCE North 68 degrees, 12 minutes, 38 seconds East, a distance of 398.69 feet; THENCE North 60 degrees, 14 minutes, 38 seconds East, a distance of 181.05 feet to the Point of Beginning;
 THENCE North 07 degrees, 32 minutes, 23 seconds West, a distance of 50.04 feet; THENCE North 80 degrees, 14 minutes, 38 seconds East, a distance of 140.81 feet; THENCE South 12 degrees, 07 minutes, 49 seconds East, a distance of 50.04 feet; THENCE South 80 degrees, 14 minutes, 38 seconds West a distance of 144.82 feet to the Point of Beginning.

BOOK 5436 PAGE 365

FILED 12/06/96
DEPT. OF REVENUE
DEC 6 8 30 AM '96
RECORDS & ADMINISTRATION
ATLANTA, GA.

RETURN TO:
Frederick C.C. Boyd, III, Esq.
Morris, Manning & Meritt, L.L.P.
1600 Atlanta Financial Center
3143 Peachtree Road, N.E.
Atlanta, Georgia 30326

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF FULTON

DeKalb County, Georgia
Real Estate Transfer Tax
Paid \$ _____ NONE
CLERK, SUPERIOR COURT
By: *[Signature]*
Deputy Clerk

THIS QUITCLAIM DEED ("Deed"), made the 4 day of December, 1996, between TERRY L. FOWLER and SHARON K. FOWLER ("Grantor"), whose address is 5442 Chamblee-Dunwoody Road, Dunwoody, Georgia 30134, and FOWLER ENTERPRISES, INC. ("Grantee"), whose address is 5442 Chamblee-Dunwoody Road, Dunwoody, Georgia 30134 (the words "Grantor" and "Grantee" include their respective heirs, successors and assigns).

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid to and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM to Grantee.

ALL THAT TRACT OR PARCEL OF LAND (the "Property") lying and being in DeKalb County, Georgia, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof; TOGETHER with any and all easements, rights of way, appurtenances, or rights appertaining or in anywise belonging thereto including, without limitation, any portion of the Property lying within the right-of-way of any publicly dedicated street, road way or alleyway; and TOGETHER with any and all improvements, structures or fixtures located thereto or thereon.

TO HAVE AND TO HOLD the Property to Grantee, so that neither Grantor, nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the Property, or any rights thereof.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written

9238161276

01/17/97

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AND INSURANCE COMPANY OR AN APPRAISER

I HAVE, THIS DATE, EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND THE REFERENCED PARCEL DOES / DOES NOT APPEAR TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS

MAG. NORTH

LOT
BLOCK
UNIT
SUB.

131.13' TO R/W
DUNWOODY VILLAGE
FAIRWAY

ONCE S
2020.12
04222.81

N 80° 14' 38" E
140.81'

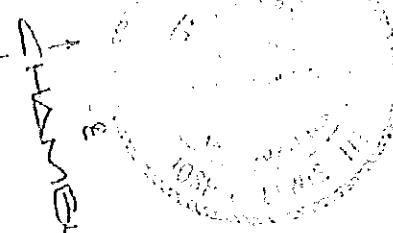
0.56 AC

ONE
STY

ASPHALT
PARKING

ASPHALT

BRK.



COIL DUMPSTER
PAD + FENCE
11.7' OVER 12

IFF
1/2" RB

N 107° 32' 23" W
30.04'

IFF
1/2" RB

N 20° 48' 33" W
25.41'

IFF
3/8" RB

N 7° 35' 11" W
90.00'

OUR ASPHALT
OVER 13.6

143.97'
S 88° 27' 03" W

80.13'

IFF
1/2" RB

TERRY LEE FOWLER &
SHARON K FOWLER
A.T #T SMALL BUSINESS LENDING CORPORATION
TRINITY TITLE INSURANCE AGENCY INCORPORATED
AND FIRST AMERICAN TITLE
LAND LOT 3000 18TH DISTRICT

DEKALB COUNTY, GEORGIA DATE: 11 13 96

SCALE 1" = 40'



This map or plat has been calculated for closure and is found to be accurate within one foot in 149,396 feet.

PLAT BY JAMES CARTER
REFERENCE DATED 5-13-96
EQUIPMENT USED: TOPCON TOTAL STATION

THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAYS, PUBLIC OR PRIVATE.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED.

Julia L. Carter

REG. LAND SURVEYOR NO. 1751
GEORGIA LAND SURVEYING CO., INC.
NO. 150600

558729

Meeting Sign-In Sheet

Project: Chase Bank - Chamblee Dunwoody Rd
Place/Room: Spruill Center for the Arts - Rm #4

Date: December 6, 2010
Time: 10:00 AM

PRINT NAME	ADDRESS	PHONE	EMAIL
1. Terry Fowler	5528 Chamblee Dunwoody Rd	404-866-0788	
2. Bill Gentry	Chamber of Commerce		
3. Philip Attenu	6095 Lake Forrest Dr	4-755-8881	ALICE@BELLBEN.COM
4. NASH Amiri	5544 Chamblee Ave	770-597-9528	not
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21.			
22.			



5185 Peachtree Parkway
Suite 240
Norcross, GA 30092

o| 770.368.1399
f| 770.368.1944
w| foresitegroupinc.com

November 10, 2010

US Regency Retail I, LLC
1 Independent Drive
114
Jacksonville, FL 32202-5005

Re: Pre-Submittal Open Community Meeting for an Amendment to a Condition of Zoning

To Whom It May Concern:

You are receiving this letter because your property, at 1259 Dunwoody Village Parkway, is located within 500' of the subject property in which an amendment to an existing zoning condition is being requested. The subject property is located at 5528 Chamblee Dunwoody Road, Dunwoody, Georgia 30338, which is in the southwest corner at the intersection of Chamblee Dunwoody Road and Dunwoody Village Parkway.

A pre-submittal open community meeting will be held at the Spruill Center for the Arts at: 5339 Chamblee Dunwoody Road, Dunwoody, Georgia 30338. The purpose of the meeting is to present an amendment to the existing conditions of zoning to allow the construction of a proposed branch bank. The meeting will be held on Monday, December 6, 2010 at 10:00 a.m.

Thank you for your time.

Very truly yours,
FORESITE GROUP, INC.

A handwritten signature in black ink, appearing to read "Brad Horbal", written in a cursive style.

Brad Horbal, P.E.
Project Manager

Transportation tax, from page 3

bers to their executive committee.

The chairman of the House Transportation Committee has already appointed state Rep. Mike Jacobs to be one of the three non-voting legislator members on the Atlanta Roundtable's executive committee.

By August 15, 2011, the executive committee has to draft a project list. After two public hearings, they will submit the project list to the full roundtable for approval or amendment by October 15, 2011. The approved list will be advertised before the referendum in 2012.

DeKalb cannot opt out of the region and will be affected even if the sales tax is not approved. Under the Transportation Investment Act (HB 277), if the roundtable becomes gridlocked and does not approve a final project list, the local match in the region will become 50 percent for Local Maintenance and Improvement Grants. These grants are used for roads and bridges and are funded from motor fuel taxes. If the region's voters do not approve the sales tax in the referendum, the local match will be 30 percent for these grants. On the other hand, if the tax is approved, the local match for these grants is only 10 percent.

On November 15, the Joint Fulton DeKalb Transportation Committee was scheduled to meet to discuss a proposed resolution regarding objections to

HB 277.

A draft resolution that was given to Long on November 2 noted that the new tax would be on top of the one-cent sales tax DeKalb, Fulton and Atlanta have paid for 30 years for the MARTA transit system. It called for amendments to extend the tax collection period from ten years to 20 to leverage federal transit funding; to increase the local government share to 25 percent; to allow counties that vote no in the referendum to opt out of the tax; and to use interest on the sales tax revenue for projects in the region.

Over the next month DeKalb commissioners will also have to decide on their appointments to the MARTA board because HB 277 terminates the 18-member board at the end of the year. In January the new MARTA board will have 11 voting members and one non-voting member. DeKalb appointees will drop from five to four, with at least one living in north DeKalb and one in south DeKalb.

"Without a regional transit plan, this money won't do what we want it to do," Floyd told the Crier. "We should take action on a regional transit plan before the vote in 2012; then I would feel good about telling people to vote for it (the sales tax)."

Floyd said he would not be in favor of amending the new transportation law next year.

"The 2012 referendum will probably focus on projects that have been planned in DeKalb and elsewhere in the region for years, but there was never enough funding in the Transportation Improvement Program to cover them all," Ted Rhinehart, deputy chief operating officer for infrastructure

and public works, said. "The possibility that the voters may approve new transportation funding in 2012 may take some pressure off the current very tight financial decisions."

Exemptions from the transportation sales tax include fuels for motor vehicles and certain heavy equipment, jet fuel for

airlines, and energy used to manufacture goods for resale. The tax would only apply to the first \$5,000 from the sale of a motor vehicle. The Georgia State University Fiscal Research Center estimated these exemptions would amount to \$236.6 million in potential lost revenue statewide.

Planning for the Dunwoody Village Community Meeting

The City of Dunwoody will be hosting the third of four community meetings to discuss the Dunwoody Village area on Thursday, November 18, 2010 at 7:00 p.m. at Dunwoody United Methodist Church Fellowship Hall which is located at 1548 Mount Vernon Road, Dunwoody, GA 30338. Please note the change of venue from the previous two public workshops.

The meeting is part of the development of a Master Plan for the Dunwoody Village area, which will provide a framework to guide land use, transportation, and open space improvements in the future. At this meeting, preliminary concept options will be presented and discussed in small groups. Your input is needed to review key planning concepts and prioritize plan elements.

For more information, please visit the City's website at www.dunwoodyga.gov and click on "Dunwoody Village" under the projects list or contact Kimberly Greer at kimberly.greer@dunwoodyga.gov or 678-382-6709.

NOTICE OF PUBLIC INFORMATION OPEN HOUSE

Georgia Department of Transportation To Hold A Public Information Open House for P.I. 0009725 DeKalb County

On November 18, 2010, the Georgia Department of Transportation (GDOT) and Perimeter Community Improvement Districts (PCIDs) will hold a Public Information Open House concerning P.I. 0009725 in DeKalb County. The Open House will be held from 4:00 PM to 6:00 PM at the Crown Plaza Atlanta Perimeter at Ravinia located at 4355 Ashford Dunwoody Road, Atlanta, Georgia 30346.

P.I. No. 0009725, is a proposal to replace the existing partial cloverleaf interchange at Ashford Dunwoody Road and Interstate 285 with a Diverging Diamond Interchange. A Diverging Diamond Interchange is a new and innovative design intended to more efficiently use the available bridge and pavement width for traffic movement. A Detour Plan will also be presented to the public at this time. The purpose of this Open House is to provide the public with an opportunity to view the proposed project, ask questions, and comment on the proposal.

The Open House will be conducted between the hours of 4:00 PM to 6:00 PM. The Open House will be informal and the public is invited to attend anytime during these hours. There will be no formal presentation. A court reporter will be available during this time to allow the public an opportunity to make comments about the project. These comments will be included in the transcript of the open house.

Written statements will be accepted concerning this project until November 30, 2010. Written statements may be submitted to:

Mr. Glenn Bowman, P.E.
State Environmental Administrator
One Georgia Center
600 West Peachtree Street, 16th Floor
Atlanta, Georgia 30308

The displays from the public information open house will be available for review until November 30, 2010 at the GDOT District Seven Chamblee Office located at 5025 New Peachtree Road, Chamblee, GA 30341. The meeting transcript, as soon as it is prepared, will be available at this same location.

Americans with Disabilities Act (ADA) Information:

The meeting site is accessible to persons with disabilities. Accommodations for people with disabilities can be arranged with advance notice by calling Mac Cranford, District Planning and Programming Engineer, (770) 986-1260.

NOTICE

Light Up Dunwoody parade and festival will take place on Sunday, November 21, 2010. There will be a parade which will impact traffic in these ways:

Beginning at 4:30pm, until the end of the parade (approximately 5pm) these roads will be closed:

- Southbound Dunwoody Village Parkway from Signature Bank to Mt. Vernon.
- Mt. Vernon Rd. from Dunwoody Village Parkway to Chamblee Dunwoody Rd. Chamblee Dunwoody Rd. from Mt. Vernon to CVS Pharmacy.

The Fannhouse (5455 Chamblee Dunwoody Rd.) will be the site of the Light Up Dunwoody festival from 4:30pm until 6:15pm.

Pre-Submittal Community Meeting

A pre-submittal open community meeting will be held at the Spruill Center for the Arts at: 5339 Chamblee Dunwoody Road. The meeting will be held on Monday, December 6th at 10:00 am. The purpose of the meeting is to present an amendment to the existing conditions of zoning for a site located in the southwest corner at the intersection of Chamblee Dunwoody Road and Dunwoody Village Parkway to allow the construction of a proposed branch bank.



5185 Peachtree Parkway
Suite 240
Norcross, GA 30092

o| 770.368.1399
f| 770.368.1944
w| foresitegroupinc.com

December 15, 2010

City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346

**Re: Rezoning Application – Letter of Intent
Amendment of conditions**

To Whom It May Concern:

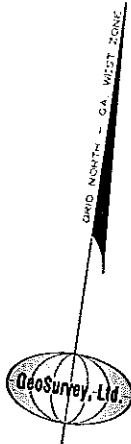
The attached Rezoning Application is being submitted for the property located at 5528 Chamblee Dunwoody Road. Boos Development Group, the Applicant, is applying for rezoning in order to amend the existing zoning condition stating that a 50' undisturbed buffer shall be located along the northern portion of the subject property. This condition was established on October 13th, 1976 as a transitional buffer between C-1 and R zonings. All properties have since been rezoned to C-1 and the transitional buffer is no longer needed. Boos Development is requesting the 50' transitional buffer requirement be removed from the existing property to allow the construction of a proposed branch bank.

Thank you for your time.

Very truly yours,
FORESITE GROUP, INC.

A handwritten signature in black ink, appearing to read "Brad Horbal", written in a cursive style.

Brad Horbal, P.E.
Project Manager



"DUNWOODY HALL SHOPPING CENTER"
 1/4 PROPERTY OF
US REGENCY RETAIL I, LLC
 LEED BOOK 21737 / PAGE 26
 ZONED C-1

DUNWOODY VILLAGE PARKWAY
 (60' R/W)

CHAMBLEE DUNWOODY ROAD
 (VARIABLE R/W)

TRACT 1
 0.424 Acre
 18,477 sf
 ZONED C-1

TRACT 2
 0.473 Acre
 20,555 sf
 ZONED C-1

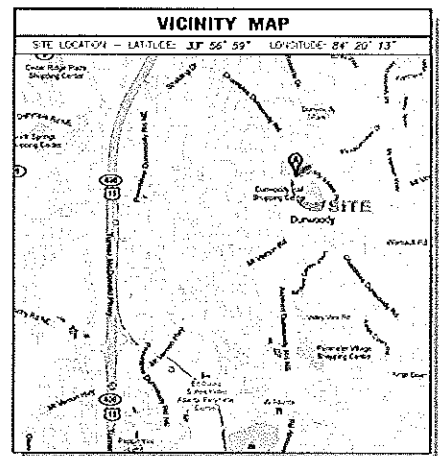
1/4 PROPERTY OF
US REGENCY RETAIL I, LLC
 LEED BOOK 21737 / PAGE 26

FWLER ENTERPRISES, INC.
 LEED BOOK 9235 / PAGE 216
 ZONED C-1

1/4 PROPERTY OF
DUNWOODY TSO, L.P.
 LEED BOOK 8821 / PAGE 13
 ZONED C-1

"EUROPE CAR CAR SERVICE"

"EURO WORKS"



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.

THIS SURVEY HAS BEEN 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 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 130800000A, AND THE DATE OF SAID MAP IS MAY 7, 2001. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1988 (NAD88) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

PLEASE NOTE: ABOVE GROUND UTILITIES ARE SHOWN HEREON. NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED.

THE SITE IS ZONED "C-1" (LOCAL COMMERCIAL DISTRICT). THE MINIMUM YARD SETBACKS ARE:
 FRONT - 25 FEET,
 SIDE - 30 FEET, INTERIOR SIDE YARD 20 FEET, 5 FEET ANYCH SHALL BE PLANNED AND LANDSCAPED,
 AND REAR - 30 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

TREES (STUBS AND LASSES) WERE LOCATED FOR THIS SURVEY.

SURVEY REFERENCES

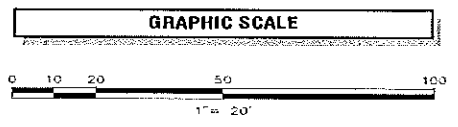
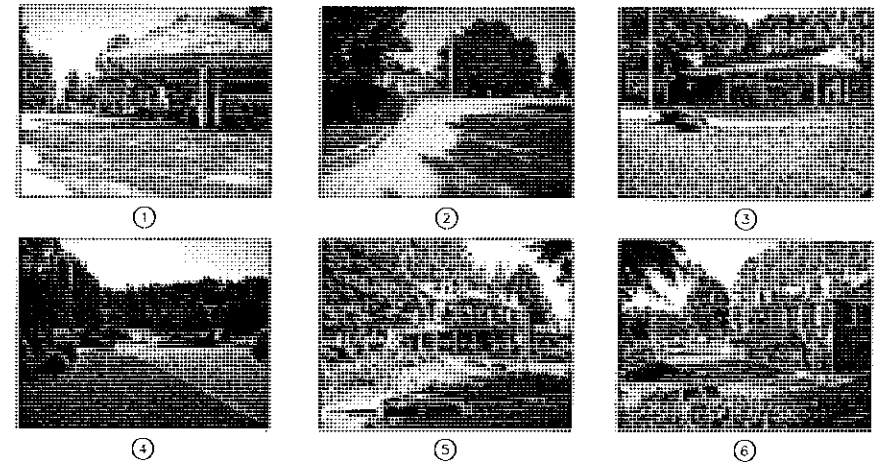
1- ALTA/ACSM LAND TITLE SURVEY OF DUNWOODY HALL SHOPPING CENTER PREPARED BY METRO AND ALTOBELLI ASSOCIATES, INC. DATED JULY 9, 2006, LAST REVISED DECEMBER 21, 2008.

2- SURVEY FOR TERRY LEE FOWLER, SHARON K. FOWLER, A.T.A.T SMALL BUSINESS (ENDING COOPERATION, TRUSTY TITLE INSURANCE AGENCY INCORPORATED AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY JOSH L. LEWIS, DATED NOVEMBER 13, 1998.

3- SURVEY FOR COOPERATIVE FINANCE OF ATLANTA, INC. PREPARED BY METRO ENGINEERING AND SURVEYING CO., INC. DATED SEPTEMBER 23, 1999, LAST REVISED JULY 1, 1999.

LEGEND	
STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	SPOT ELEVATION
BM BENCH MARK	POWER POLE
CI CURB INLET	D.U.P. PIPE
CMF CORRUGATED METAL FLD	POWER LINE
CO SANITARY CLEANOUT	LIGHT POLE
CYED COMMUNICATION CEMENTAL	ELECTRIC TRANSFORMER
CIP CELESTED TOP PIPE	WATER VALVE
DI DIRT INLET	WATER VALVE
DIPI DUCTILE IRON PIPE	WATER METER
DOB DOUBLE AND CATCH BASIN	WATER VALVE
FE FENCE	FIRE HYDRANT
FRD FRAMING	UNDERGROUND ELECTRIC LINE
GM GAS METER	UNDERGROUND GAS LINE
GV GAS VALVE	UNDERGROUND COMMUNICATION LINE
IB INLET	UNDERGROUND WATER LINE
JB JUNCTION BOX	PHOTO POSITION INDICATOR
MA MANHOLE	TREE POSITION INDICATOR
OS OVERHEAD POWER	
OP OPEN TOP PIPE	
PM POWER METER	
POB POINT OF BEGINNING	
POC POINT OF COMMENCING	
PCP REINFORCED CONCRETE PIPE	
RR IRON REINFORCING BAR	
S/S PER SET	
SS SANITARY SEWER	
SSB SWALE AND CATCH BASIN	
TRNS ELECTRIC TRANSFORMER	

SITE PHOTOGRAPHS



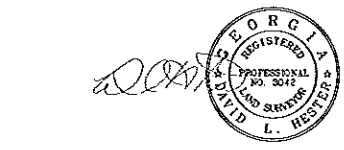
CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 100,000, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A PROBABLE 94.8 PERCENT TOTAL STATION AND 105 RANGE DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 222,872 FEET. (1:222,872)

IF YOU DIG

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



Land Surveying & Mapping
 1170 Atlanta Industrial Drive
 Marietta, Georgia 30066
 Phone: (770) 795-9900
 Fax: (770) 795-8280
 www.geosurvey.com

BOUNDARY & TOPOGRAPHIC SURVEY OF			
5540 Chamblee Dunwoody Road			
FOR			
CHASE BANK			
GS JOB NO:	20103895	DRAWING SCALE:	1" = 20'
FIELD NO.:	SC	CITY:	DUNWOODY STATE: GEORGIA
PERSON:	DLH	COUNTY:	DEKALB
REVISION:	DLH	LAND LOT:	366
DATE FILE:	20103895.dwg	DISTRICT:	18th
SURVEY DATE:	5-04-2010	REVISION:	
DATE:		DESCRIPTION:	

PROJECT DATA

S.W.C. CHAMBLEE DUNWOODY RD & DUNWOODY VILLAGE PKWY
CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA
ZONING: C-1 (LOCAL CONVERSION)

SITE DATA

TOTAL SITE AREA 0.993 ACRES
UNDISTURBED BUFFER AREA 0.164 ACRES

BUILDING DATA

CHASE BANK BUILDING AREA 4,404 SF

PARKING DATA

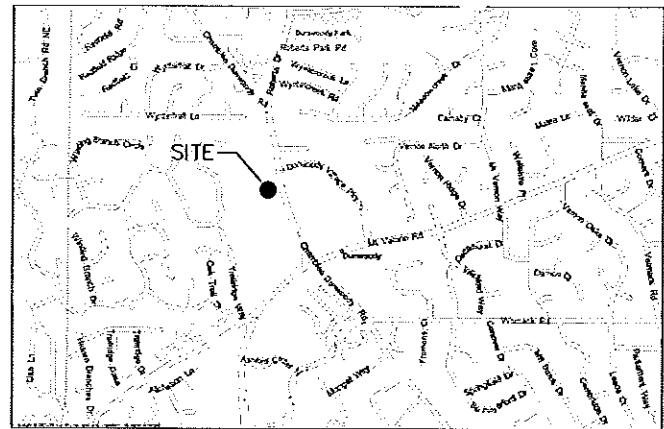
PARKING REQUIRED 12
PARKING PROVIDED 21
* VARIANCE REQUIRED

NOTES:

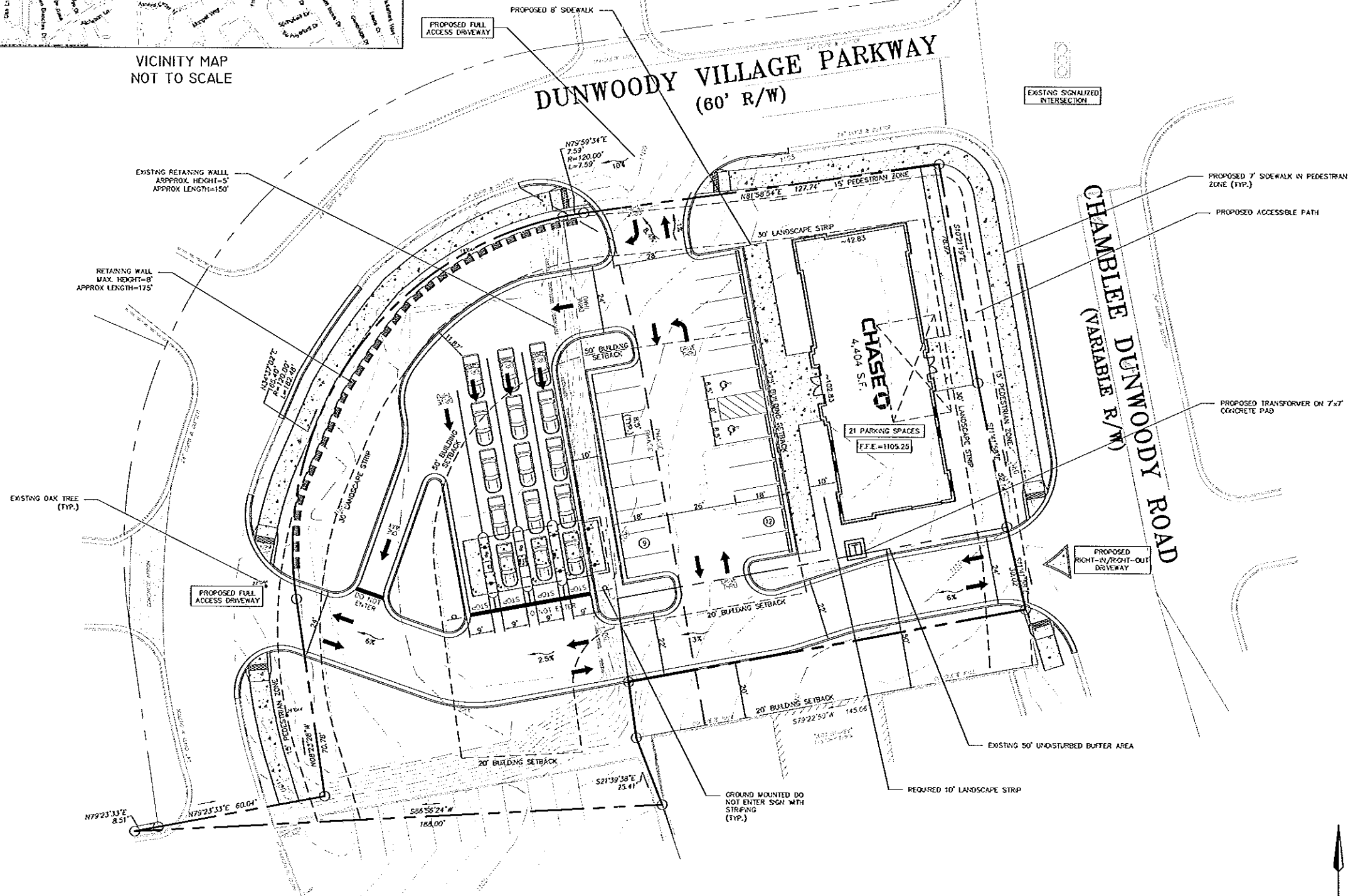
- 1) PROPERTY LINES OBTAINED FROM A SURVEY BY GEOSURVEY DATED 05/04/2010.
- 2) A FULL DUE DILIGENCE STUDY AND SITE VISIT HAVE BEEN COMPLETED.
- 3) A SIGN STUDY HAS NOT YET BEEN COMPLETED.
- 4) THE PARCELS CURRENTLY CONTAIN A FORMER GAS STATION AND A CURRENT DRY CLEANERS THAT WILL BE DEMOLISHED.
- 5) VARIANCES ARE ANTICIPATED FOR THE SITE PLAN.
*PARKING INCREASE VARIANCE
*BUILDING SETBACK ENCROACHMENT
*5' LANDSCAPE BUFFER DECREASE
*WALL HEIGHT
- 6) THE EASEMENT PARCEL IN THE SOUTHEAST CORNER OF THE SITE WILL REQUIRE A REZONING MODIFICATION.
- 7) SEE DUE DILIGENCE FOR SITE RISKS.
- 8) UNDERGROUND DETENTION ANTICIPATED.

LEGEND

- STACKING FOR DRIVE THRU
- CONCRETE SIDEWALK
- PROPERTY LINE



VICINITY MAP
NOT TO SCALE



PROJECT:

CHASE

ADDRESS:

5540 CHAMBLEE DUNWOODY RD
DUNWOODY, GEORGIA 30338

DEVELOPER:



BOOS DEVELOPMENT GROUP, INC.
2851 MCCORMICK DRIVE
CLEARWATER, FL 33759
TEL (727) 669-2900

CONTACT: MR. SETH SMISHER

ENGINEER:

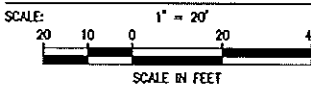
foreSITE group
ForeSITE Group, Inc.
5105 Peachtree Pkwy
Suite 240
Norcross, GA 30092
o 1770.368.1399
f 1770.368.1944
www.foresitegroupinc.com

SEAL:

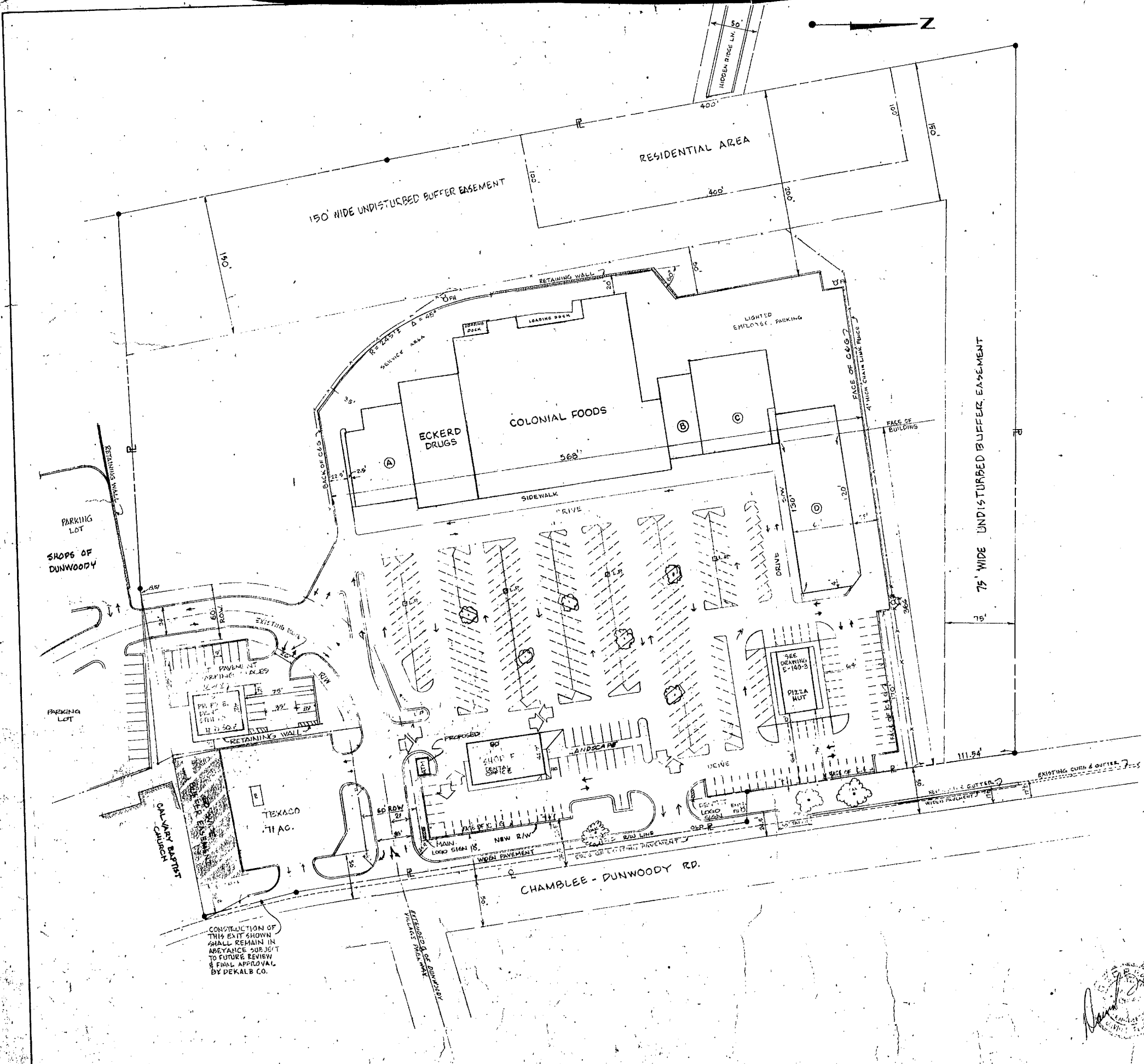
REVISIONS	DATE
REVISED DRIVEWAY	12/15/10
REVISED DRIVEWAY	12/20/10

PROJECT MANAGER: BLH
DRAWING BY: JRH
JURISDICTION: CITY OF DUNWOODY, GA
DATE: 12/15/10
TITLE:

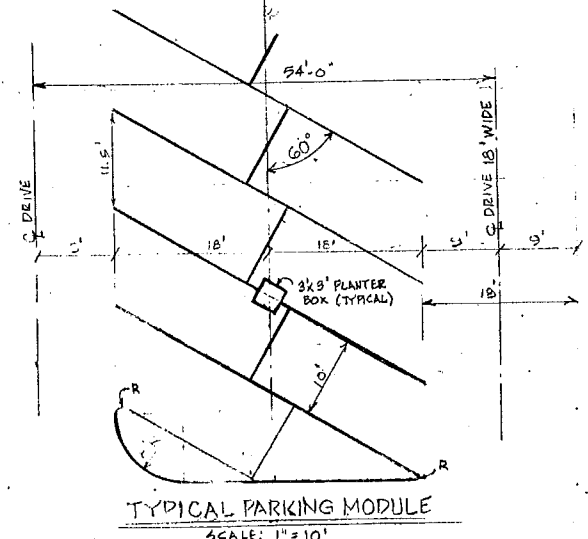
QL-8
SHEET NUMBER: 1 OF 1



JOB/TITLE NUMBER: 163.085



- GENERAL SPECIFICATIONS**
- The ENGINEER shall be understood to mean FEDERER-RUPPERT & ASSOCIATES, 6890 Peachtree Industrial Boulevard, Suite 5, Doraville, Georgia 30360 (404)446-3142, who are authorized representatives of the owner.
 - All work shall comply with applicable state, Federal & local codes and all necessary licenses and permits shall be obtained by the Contractor at his expense.
 - All work shall be performed in a finished and workmanlike manner to the entire satisfaction of the ENGINEER, and in accordance with the best recognized trade practices.
 - No work shall be performed prior to a 24-hour written notice to the ENGINEER.
 - Any deviations from these plans and specifications without the prior consent of the ENGINEER shall not be tolerated.
 - The utilities shown are for the contractor's convenience only. There may be other existing utilities not shown on this plan. The ENGINEER assumes no responsibility for the location, depth and it shall be the contractor's responsibility to verify the location of all existing utilities within the limits of the work. All damage made to existing utilities shall be the sole responsibility of the contractor.
 - The drawings and specifications are intended to cover a complete project ready for use, and all items necessary for a complete and workmanlike job shall be furnished and installed.
 - All materials shall be new unless noted or salvaged materials are authorized by the ENGINEER.
 - All concrete shall be 3000 PSI ± 25 days compressive strength with a maximum 4" slump.
 - All exposed concrete to have a fine hair broom finish.
 - All reinforcing steel to be interlocked grade billet steel L-shaped bars conforming to ASTM A615, grade 60.
 - All exposed steel shall have one (1) shop coat and two (2) field coats of approved rust inhibitor.



SITE DATA
 16.10 ACRES
 PARKING: MINIMUM OF 443 @ 5.5 PER 1000 SF.
 LOCATED IN L.L. 366, 18TH DISTRICT
 DE KALB CO., GEORGIA

BUILDINGS DATA

SUPERMARKET	34,632 SF
PHARMACY	8,640 SF
SHOP A	6,180 SF ±
SHOP B	2,975 SF ±
SHOP C	8,000 SF ±
SHOP D	12,300 SF ±
SHOP E	579 SF ±
SHOP F	3,475 SF ±
PIZZA HUT	2,380 SF
EXISTING TOTAL	79,161 SF ±
PROPOSED TOTAL	83,491 SF ±

*INCLUDES 3000 SF OFFICE SPACE
 TOTAL PARKING PROVIDED 455

CONSTRUCTION OF THIS EXIT SHOWN SHALL REMAIN IN ABEYANCE SUBJECT TO FUTURE REVIEW & FINAL APPROVAL BY DEKALB CO.

[Handwritten signature]

REVISIONS	SCALE: 1" = 50'	DATE: 11-3-82	SIGMA DEVELOPMENT CORPORATION 6100 LAKE FOREST DRIVE SUITE 305 ATLANTA, GEORGIA 30328 PH: 255-5191
DESCRIPTION:	DRAWN BY: W. RUPPERT	PHONE: 455-0805	
A MODIFY VARIETY LOT 12-24-82			
E 4500 DANCE STUDIO 3-7-82			MASTER SITE PLAN DUNWOODY HALL SHOPPING CENTER DEKALB COUNTY, GEORGIA FEDERER-RUPPERT & ASSOCIATES CONSULTING ENGINEERS AND SURVEYORS ATLANTA • GEORGIA • 30318 PROJECT NO: 76-104 CE DRAWING NO: E-139-20 REV: C
C CHANGE TITLE 5/21/85			

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2011-XX-XX

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS OF LAND LOT 366, District 18 IN CONSIDERATION OF ZONING CASE RZ-11-011 (5528 Chamblee Dunwoody Road)

WHEREAS: Applicant Boos Development Group, Inc., seeks permission on behalf of Fowler Enterprises, Inc., to rezone the property designated as 5528 Chamblee Dunwoody Road, Dunwoody, Georgia, from its current zoning designation of Local commercial conditional District (C-1c) with a 50-foot buffer condition placed on the property as a condition of previous rezoning in 1985, to Local commercial conditional District (C-1c) without the buffer condition; and

WHEREAS: the current commercial zoning of the property no longer necessitates a buffer zone previously established to separate residential properties from commercial properties; and

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

WHEREAS: A public hearing was held by the Mayor and City Council of the City of Dunwoody on March 28, 2011.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody while in Regular Session on March 28, 2011 hereby **ORDAINES AND APPROVES** the rezoning of this said property from Local Commercial Conditional District (C-1c) to Local Commercial Conditional District (C-1c) by removing the currently existing condition requiring a fifty (50) foot undisturbed landscape buffer. The City of Dunwoody Zoning Map shall be changed to reflect said rezoning.

SO ORDAINED AND EFFECTIVE, this the ___ day of _____, 2011.

Approved by:

Approved as to Form and Content

Ken Wright, Mayor

Brian Anderson, City Attorney

Attest:

Sharon Lowery, City Clerk

SEAL