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**MEMORANDUM**

**To:** Mayor and City Council

**From:** Warren Hutmacher, City Manager

**Date:** 10/24/2011

**Subject:** **Amended Budget for the Year Ending December 31, 2011**

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**ITEM DESCRIPTION**

Second Read and Adoption of an Ordinance to Amend the 2011 Operating and Capital Budgets.

**BACKGROUND**

During 2011, a few events occurred that require the City to amend its 2011 budget.

- The contract with Chatcomm will result in approximately \$772,400 in transfer of General Fund dollars to finance the start-up and initial operations of the City's E911 services.
- The financing of the previously approved purchase from Estates at Dunwoody Park GA, LLC (PVC Farm) provides for GMA Lease revenues. There was also an additional \$40,000 in property taxes owed by the City (pro-ration) for the remainder of 2011.
- The City plans to purchase another 5 acres later this year. The funds for the land and due diligence costs are provided for as revenues in the Capital Projects Fund from reserve HOST funds transferred from the General Fund's Park budget.
- Next, the City has been awarded several grants this year including two large grants from GA Department of Natural Resources and federal ARRA funding. To better track the revenues and expenditures of these grants and to keep the expenditures separated from General Fund expenditures, a new fund is established.
- Surplus revenues of \$3.7 million from the HOST calculation were added, and another \$230,000 were added to forecasted revenues for Permits & Inspection Fees.
- Stormwater Fund infrastructure repairs are expected to exceed the budget. Some repairs are delayed to FY2012, but some repairs cannot wait. Reserve surpluses increased during FY2009 and FY2010 while analysis of the system could be completed. The reserves are now needed to complete these needed repairs.

The budget team has recommended the 2011 surplus HOST dollars of \$3.7 million be directed to specific purposes including FY2012 Paving Projects (\$600,000), FY2012 Sidewalks (\$500,000), TE Grant Matching Funds (\$1,100,000) and a reserve for DPD Vehicle Replacement Fund (\$1,500,000).

**ALTERNATIVES**

Council may choose to deny the recommendation and leave the existing budget in place. This will result in some expenses exceeding budget resulting in a Georgia Department of Audits comment for violating state budget laws.

**RECOMMENDED ACTION**

Staff recommends Council approve the ordinance to amend the 2011 budget.

**ORDINANCE 2011-10-31**

**AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2011 FOR EACH FUND OF THE CITY OF DUNWOODY, GEORGIA, PURSUANT TO ARTICLE V, SECTION 5 OF THE CHARTER OF THE CITY, BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF ANTICIPATED FUNDING SOURCES, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES FROM EXCEEDING ACTUAL FUNDING SOURCES**

**WHEREAS,** a proposed amended budget for each of the various funds of the City has been presented to the Mayor and City Council; and

**WHEREAS,** the Mayor and City Council have reviewed the proposed amendment; and

**WHEREAS,** each of the funds has a balanced budget, such that anticipated funding sources equal or exceed proposed expenditures; and

**WHEREAS,** This Budget Amendment and the Budget Message pursuant to Section 5.03(a) of the City Charter have been filed in the office of the City Clerk and open for public inspection; and

**WHEREAS,** the Mayor and City Council intend to amend the annual budget for the Fiscal Year 2011.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Dunwoody, pursuant to their authority, as follows:

STATE OF GEORGIA  
CITY OF DUNWOODY

Section 1. That the City of Dunwoody, Georgia hereby amends the budget for the Fiscal Year 2010, said budget being described below;

**REVENUES**

<b>SOURCE</b>	<b>PROPOSED BUDGET</b>
General Fund (100) - HOST Revenues	\$ 3,700,000
General Fund (100) - Use of Prior Year HOST Reserves	1,500,000
E911 Fund (215) - E911 Charges for Services	120,000
E911 Fund (215) - E911 Transfer from General Fund	487,065
E911 Fund (215) - E911 Transfer from Capital Proj Fund	285,335
Multiple Grants Fund (250) - ARRA Grant (EECB)	180,000
Multiple Grants Fund (250) - DNR Trail Grant	100,000
Multiple Grants Fund (250) - Transfer from General Fund	30,810
Capital Projects Fund (350) - Excess HOST Funds FY2011	3,700,000
Capital Projects Fund (350) - GMA Lease Proceeds	5,173,000
Capital Projects Fund (350) - HOST Xfer from Gen Fund	1,500,000
Stormwater Fund (560) - Use of Prior Year Reserves	300,000
<b>TOTAL RECEIPTS</b>	<b>\$ 17,076,210</b>

**EXPENDITURES**

<b>EXPENDITURE</b>	<b>PROPOSED BUDGET</b>
Transfer from General Fund - Parks (6200)	\$ 1,500,000
Transfer from General Fund - E911 (3800)	217,065
Transfer from General Fund - Police (3200)	1,500,000
Transfer from General Fund - Public Works (4200)	600,000
Transfer from General Fund - Public Works (4200)	500,000
Transfer from General Fund - Public Works (4200)	1,100,000
E911 Expenditures (Fund 215)	892,400
Multiple Grants Fund Expenditures (Fund 250)	310,810
Capital Projects Land Purchase/Taxes (Fund 350)	40,000
Transfer from Capital Projects Fund (Fund 350)	285,335
Capital Projects Land Purchase (Fund 350)	1,500,000
Repairs & Maintenance (Fund 560)	\$ 300,000
<b>TOTAL EXPENDITURES</b>	<b>\$ 8,745,610</b>

Section 2. That any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those exceptions provided for herein, shall require approval of the City Council; and

Section 3. That this amended budget maintains the number of established Dunwoody full-time positions for 2011 at 59. This number may only be increased or decreased through approval of the Mayor and City Council; and

Section 4. That the City Manager and his/her designee may promulgate all necessary internal rules, regulations, and policies to ensure that this Budget Ordinance is followed.

STATE OF GEORGIA  
CITY OF DUNWOODY

**SO ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
DUNWOODY, GEORGIA** this the 24<sup>th</sup> day of October, 2011.

Approved:

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Ken Wright, Mayor

Attest:

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Sharon Lowery, City Clerk  
Seal

Approved as to Form and Content

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Brian Anderson, City Attorney





## **MEMORANDUM**

**To: Mayor and City Council**

**From: Michael Tuller**

**Date: October 24, 2011**

**Subject: Rezoning Petition RZ 11-091; 9 Ravinia Drive**

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### **Request**

The applicant seeks to rezone a property located at 9 Ravinia Drive from O-Ic (Office-Institution District, conditional) to C-1 (Local Commercial District). The intent is to rezone the property to permit the construction of a drive-thru restaurant.

### **Applicant**

Hines Atlanta Associates Limited Partnership / Kathryn M. Zickert; Smith, Gambrell, Russell, L.L.P.

### **Property Data**

- Address; Land Lot & District: 9 Ravinia Drive, Dunwoody Georgia 30346; LL 347, District 18
- Council District: District 1
- Existing Zoning and Land Use: O-Ic (Office-Institution District, conditional); the property operates today as undeveloped green space, accessory to office use
- 2030 Comprehensive Plan Future Development Map Designation: Perimeter Center

### **Summary**

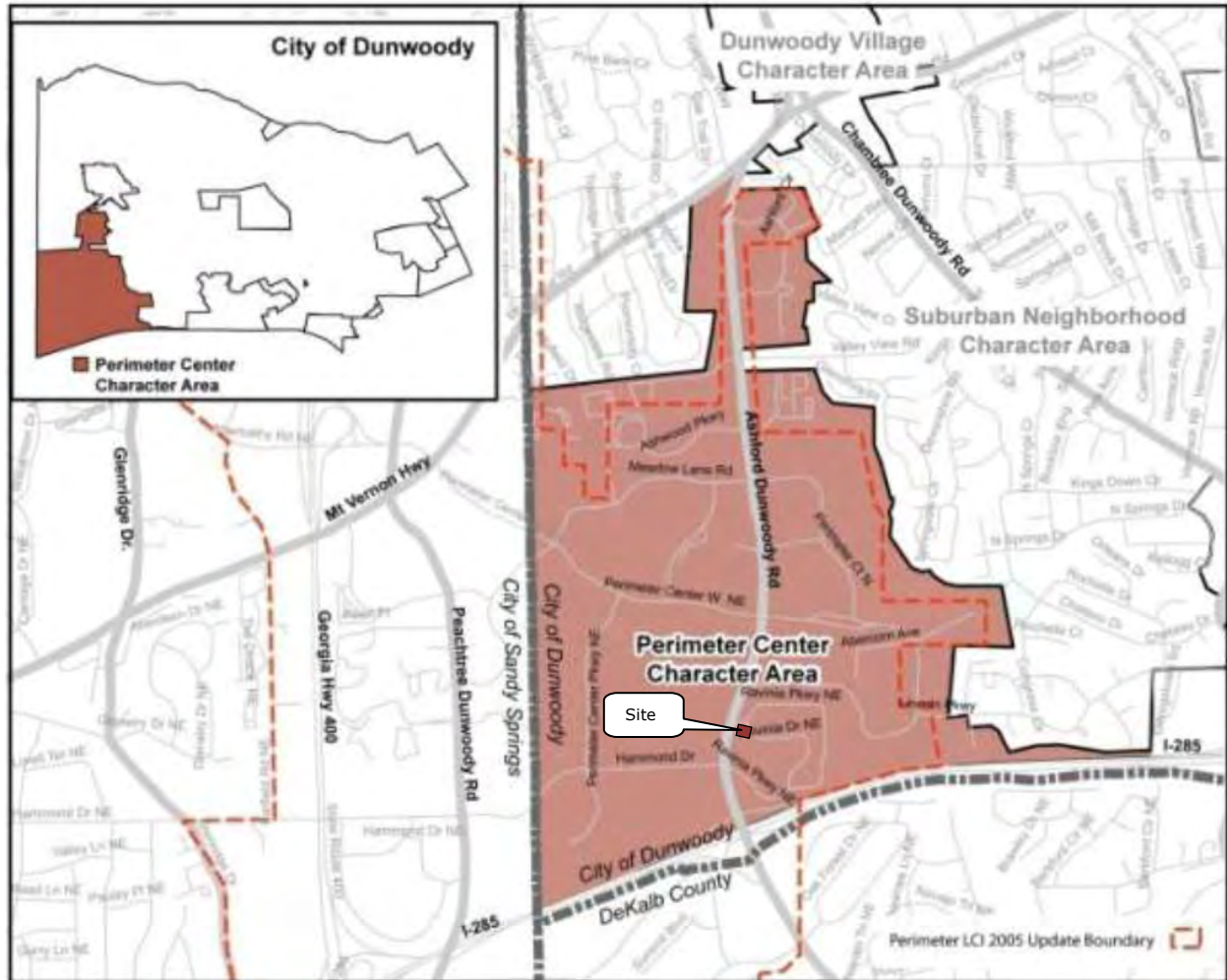
The site is located on the southeast corner of Ashford Dunwoody Road and Ravinia Drive, which is itself a private street within the Ravinia office complex. The property is currently zoned O-Ic (Office-Institution District, conditional). The applicant's request is to rezone the property from O-Ic to C-1 (Local Commercial District) to allow for a drive-thru restaurant use for the operation of a Starbucks as an amenity to the adjacent office tenants.

The property consists of approximately 0.815 acres of land. The proposed building consists of less than 2,000 square feet of heated floor area with 27 parking spaces.

In order to facilitate the proposed redevelopment project, a number actions will have to be undertaken: (1) the proposed lot must be rezoned to allow the restaurant and accessory drive-thru use; (2) the proposed tract must be properly subdivided and recorded as a separate lot of record from the parent parcel; (3) the lot must be developed according to zoning standards, or variances must be subsequently obtained.



## Comprehensive Plan Future Development Map



## Community Council

At their regular August meeting, the Community Council heard the applicant's request to rezone the subject property from O-Ic to C-1. 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, as submitted.

## Planning Commission

At their regular September meeting, the Planning Commission reviewed the application. Planning Commission voted 6-0 in favor of the application, as submitted.

## 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; *The intent of the Comprehensive Plan for the Perimeter Center Character Area envisions a "livable" regional center that is a walkable, high-end, mixed-use environment.*

(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 proposed use will provide amenities to passers-by and tenants of nearby office complexes; additionally, by proximity, the project can promote pedestrian accessible convenience for the three adjoining Ravinia office buildings.*

(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 some reasonable economic use as currently zoned; however, there is a surplus of office space currently available in the suburban Atlanta office real estate market, particularly in the Perimeter region.*

(4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; *It is not anticipated that the proposal will have an adverse effect on the properties in question or 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; *The lone object of any potential historical significance on the site is a non-functional chimney structure, relocated into its current location on the development site at some point in the past 20 years. The heritage of the chimney is being debated, as no photographic or literary evidence of the chimney's origin appear to exist. Anecdotally it has been said to have originated from the ashes of a tenant farm house, built near the beginning of the 20<sup>th</sup> century, that later burned completely in the 1940s; the applicant claims it is modern construction, cobbled together from the remnants of a now-missing farm house located somewhere in the immediate region. Staff does not have enough evidence to confirm either claim. No matter the origin or historical significance, the applicant proposes to keep and re-use the chimney as a focal point on the west end patio of the proposed restaurant.*

(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 minimal effects on city streets, infrastructure or schools. The 2030 Comprehensive Plan references the specific problem of vehicle gridlock along this block of Ashford Dunwoody Road: "...the [I-285] interchange at Ashford Dunwoody Road is one of the major transportation bottleneck locations in the Perimeter area. Current road patterns require all of the traffic on Ravinia Drive and Perimeter Center East to converge on to Ashford Dunwoody Road. Given the commercial nature of the developments on both*



*these roads, morning and afternoon rush hour times create huge congestion issues south of Perimeter Center West." In spite of this dire warning, staff anticipates patrons of the restaurant and drive-thru to be either existing passers-by, or increased pedestrian traffic from nearby office complexes, but do not anticipate new, additional trips to this site as a final destination.*

### **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.

The project proposal does not contradict the purpose & findings, but staff infers from the application materials that the proposed zoning district classification was chosen not necessarily to further the purpose & findings of the city council, but to allow the construction of a restaurant, with an accessory drive through facility permitted by right, with the most advantageous building setbacks.

The request is appropriate in the way the proposed use conforms to the regulations for allowable uses in the C-1 zoning district, but fails to meet written standards for bulk standards (setbacks), and will require zoning variances from the Zoning Board of Appeals to be constructed as drawn.

### **Comprehensive Plan Analysis**

Staff analysis of this proposed zoning indicates the action will have a minimal adverse or beneficial impact on the Comprehensive Land Use Plan. Specific text from the 2030 Comprehensive Plan about the future of this region reads: "To create a 'livable' regional center with first-class office, retail and high-end restaurants in a pedestrian and bicycle-oriented environment that serves as a regional example of high quality design standards" and "The City envisions continuing commercial development along with encouraging compatible uses to balance office expansion."

The specific tenant (Starbucks) appears to carry forward the spirit of the comprehensive plan text, as it creates an amenity for adjacent office uses and incorporates pedestrian access via sidewalks from Ashford Dunwoody and the private Ravinia project to the east. Reasonably, no amount of private investment will retrofit the entire Perimeter area as being pedestrian- or bicycle-oriented, and to an extent, the surface automobile parking lends itself to resembling traditional development more so than multi-modal development. But the proposed site and building design indicate conformance with the comprehensive plan goals. In fact, the action will result in the development of a parcel that takes environmental concerns into consideration and provides a leisurely or professional meeting/gathering space that accommodates current and future adjacent uses.

### **Staff Recommendation**



Staff recommends approval of the application to rezone the subject property from O-Ic to C-1 with the following conditions:

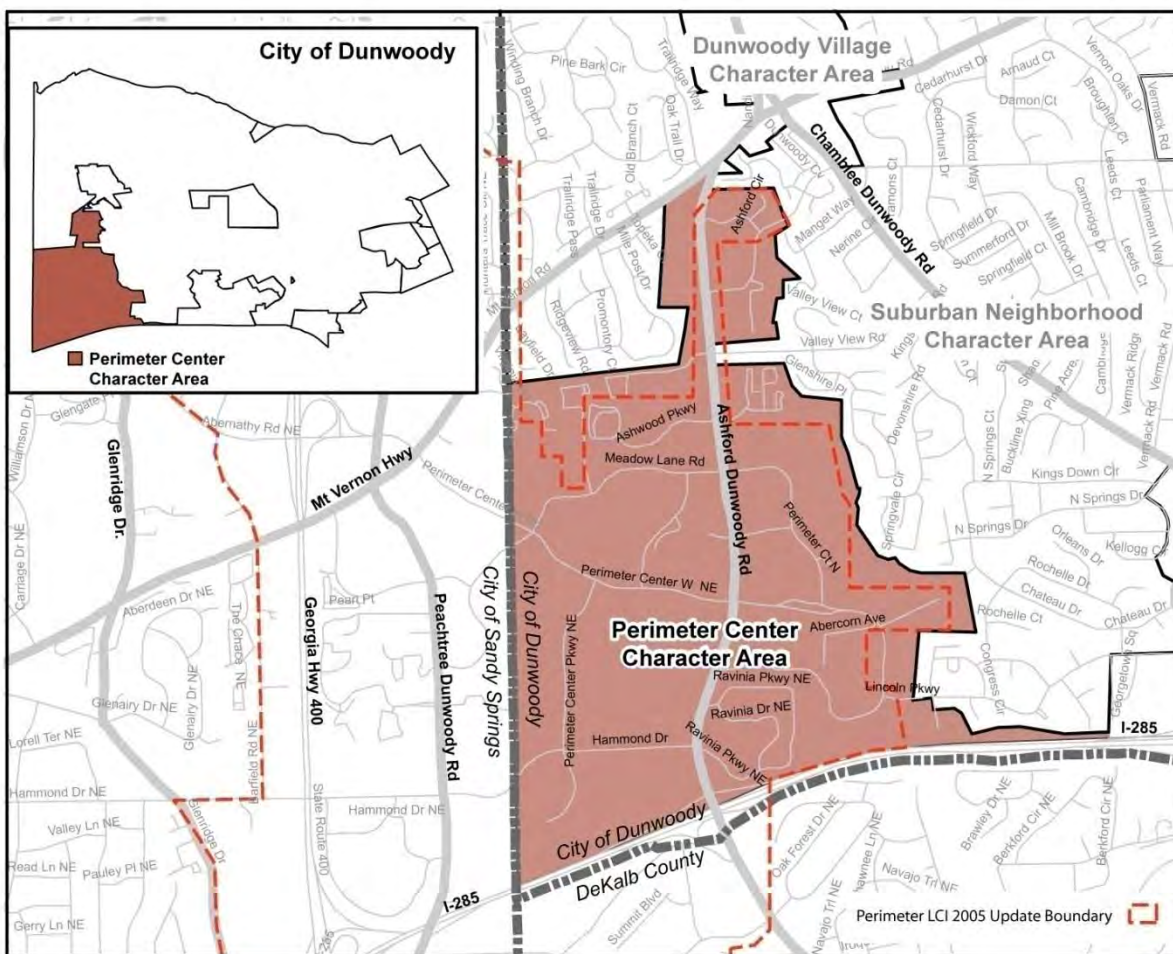
- No direct access is to be granted from Ashford Dunwoody Road
- Development shall conform to the site plan, submitted on June 21, 2011

**Attachments**

- Site Location Map
- Application submittal materials
- Starbucks preliminary site plan (not approved for construction)



## Perimeter Center



## Vision/Intent

To create a “livable” regional center with first-class office, retail and high-end restaurants in a pedestrian and bicycle-oriented environment that serves as a regional example of high quality design standards. The City of Dunwoody works in partnership with the Perimeter Community Improvement Districts (PCIDs) to implement and compliment the framework plan and projects identified in the Perimeter Center Livable Centers Initiative study (LCI) and its current and future updates.

By 2030, the area successfully adds public gathering space and pocket parks, continues to create transportation alternatives, mitigates congestion, and reduces remaining excessive surface parking. The area creates the conditions of possible true “live-work” environment. All future development continues to emphasize high quality design standards and building



materials and incorporates the current national best practices on energy efficiency, where possible.

The City of Dunwoody recognizes the value of creating mixed-use, transit-oriented development within walking distance of public transit stations. However, the City has concerns about the impact of such development on the City's infrastructure and schools. To ensure proper controls on residential growth in the PCID, the City recommends zoning changes to require Special Land Use Permits (SLUP) for future high-density housing projects.

### Future Development

The boundary of the Character Area designation extends slightly beyond the boundary of the PCIDs/LCI study area to include either existing commercial or to provide a transition where the Character Area abuts adjacent Suburban Character. The locator map also shows where the PCIDs/LCI boundary extends both west into Sandy Springs and into unincorporated DeKalb County, south of I-285.

The first section identifies the City's intent for the area outside the PCIDs; the subsequent section incorporates components which lie within the City of Dunwoody boundaries.

#### *Outside the Perimeter CIDs/LCI:*

Development within the Perimeter Center Character Area that abuts the Suburban Character area should demonstrate conformance with the principles of a transitional area. Unless accompanied by an exceptional buffering and usable open space provisions, density should be no greater than 4-8 units to the acre and commercial should be very low intensity (under 20,000 square feet).





1999 parking lot conditions in the Perimeter Center area



2009 conditions above (outparcel development); the City envisions continuing the trend of converting existing surface parking to better uses, ideally including pocket park and green space

*Within the Perimeter CIDs/LCI study area:* In 2000, the Perimeter CIDs engaged in a Livable Cities Initiative study to craft a vision and strategy for the Fulton and DeKalb Perimeter Community Improvement Districts. This process resulted in a future land use plan that divided the CIDs into defined, development sub-areas -- **Transitional, High-Density, and Transit Village** -- indicated below. Where located within the Dunwoody City limits, new development should conform to the intent of these areas, as described below. In 2005, the Perimeter CIDs went through a process to update a LCI and document potential growth strategies for each area. The City will partner with the PCIDs for a future update and amend this Comprehensive Plan, if appropriate.

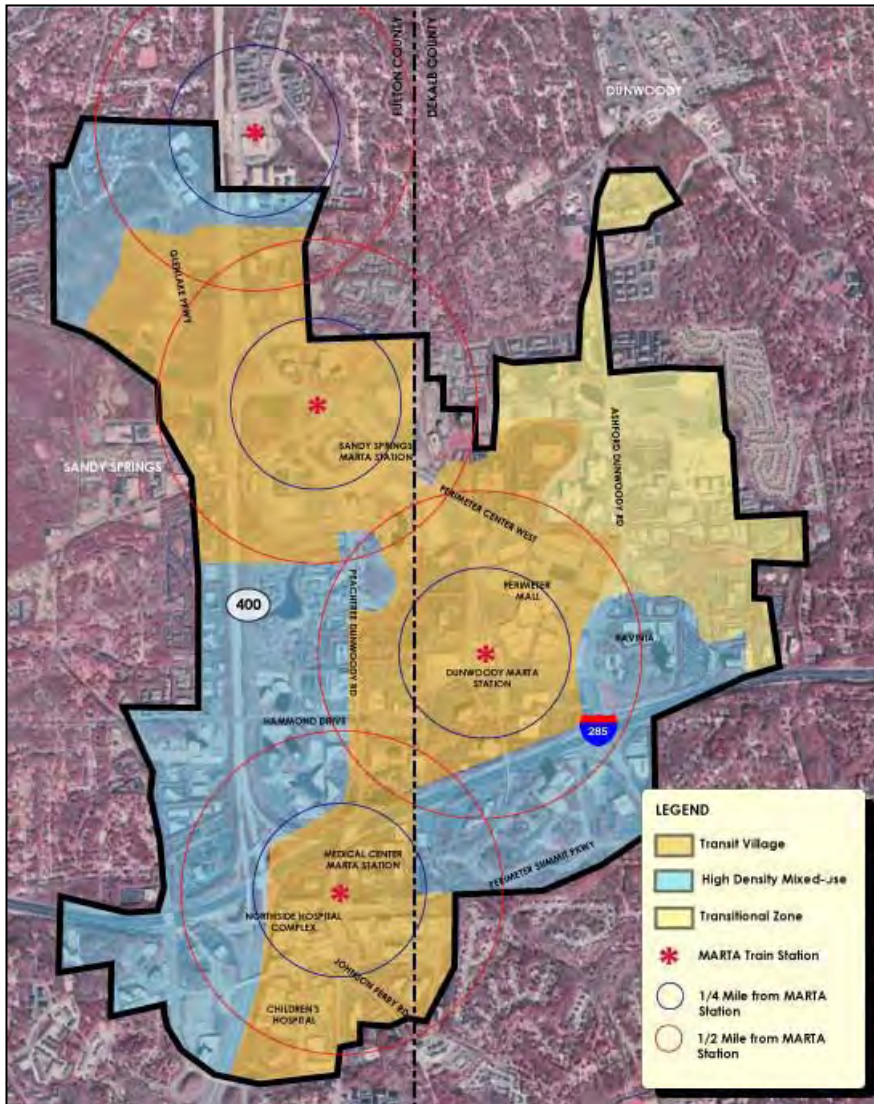


FIGURE 4: Perimeter Center LCI Framework Plan: development types

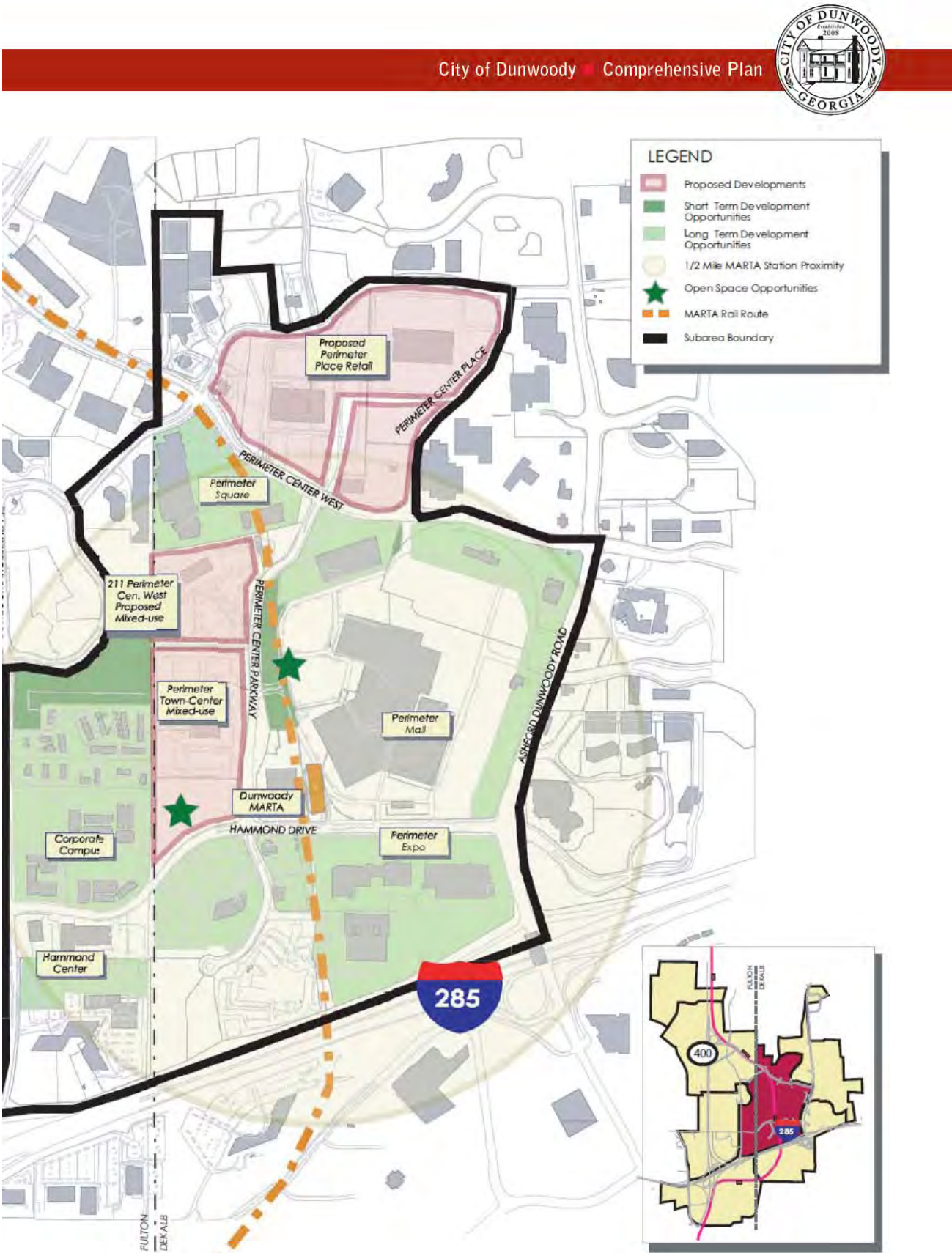
**A Community Improvement District (CID)** is an authorized self-taxing district dedicated to infrastructure improvements within its boundaries. The PCIDs are governed by two boards – one each for Fulton and DeKalb. The PCIDs spent or leveraged public funds to invest \$55 million in Dunwoody alone; over \$7 million from ARC’s LCI program was directed to the PCIDs. This makes it one of the most, if not the most, successful CIDs in the region. The PCIDs’ mission focuses exclusively on transportation improvements:

*To work continuously to develop efficient transportation services, with an emphasis on access, mobility, diversification and modernization.*



Zoned when the area was under unincorporated DeKalb County jurisdiction, several of the parcels located within the City's character area remain undeveloped. As actual market values adjust in the post-recession climate, the City anticipates opportunities to establish development regulations to provide appropriate recreation and open space amenities for the public, especially where open space potential is identified within the Perimeter LCI "Transit Village" and "Transitional" section described further below.







### Perimeter Center - Transit Village:

#### Transit Village Sub-Area:

Defined by a half-mile radius around the existing MARTA Stations, the Transit Village area will develop as an urban district promoting a mix of residential, commercial and institutional uses. This decision is based on the location of major transit infrastructure which provides opportunities for alternative transportation.

The desire is to generate a "Town Center" near Perimeter Mall to reinforce business development and a sense of identity for the area emerged. The plan argues the vision for the Perimeter Mall "Transit Village" can serve as the "prototype spearheading development at other MARTA Stations."

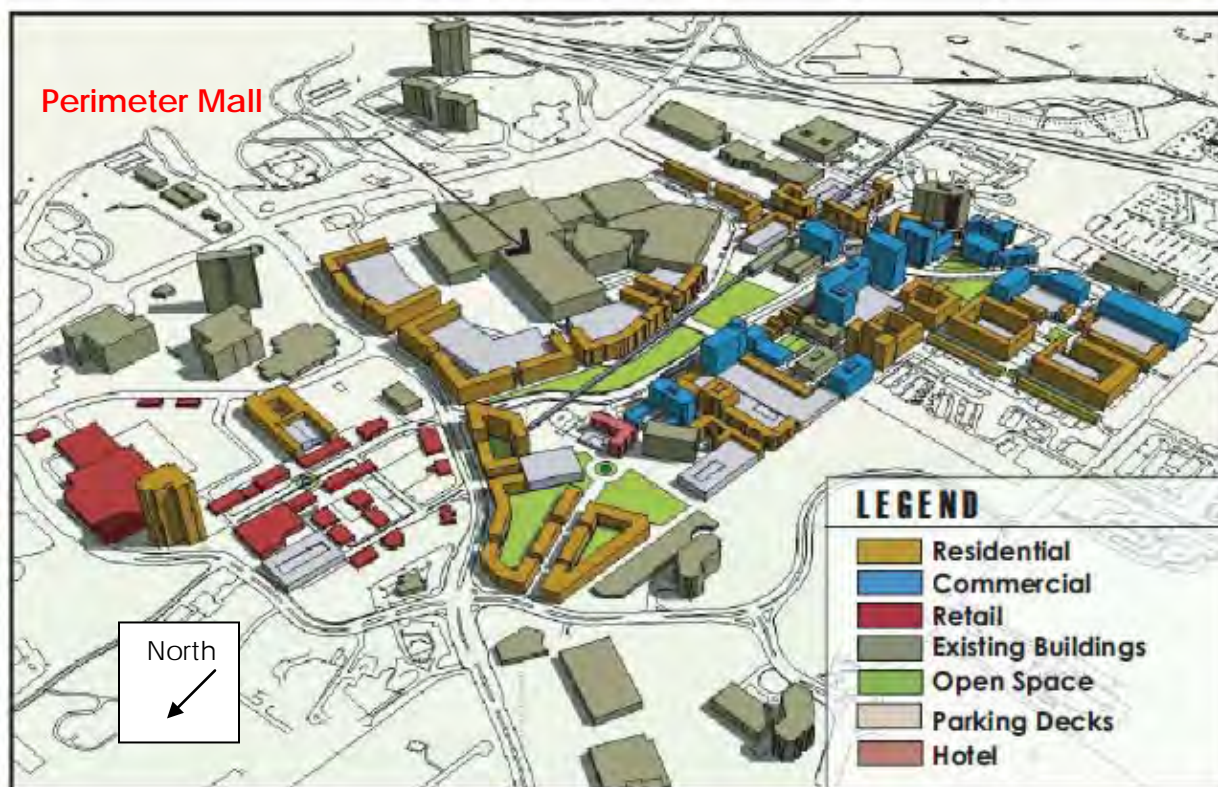


FIGURE 6: Plan-view Perimeter Center Parkway Build-Out with Linear Park and Green Space





### High-Density Mixed-Use sub-area:

This development sub-area currently has a concentration of commercial uses, mostly due to accessibility from I-285. The Ravinia complex on the north side of I-285 includes an upscale hotel (Crown Plaza) and two high-rise office towers. The parcels north of Ravinia are a part of the Perimeter Center East commercial properties, owned by Equity Office Properties. These buildings vary from low-density offices built in the 1970s (such as 77 Perimeter Center West) to high-rise buildings (including the former Philips regional headquarters) fronting I-285. The City envisions continuing commercial development along with encouraging compatible uses to balance office expansion.

Notable, the interchange at Ashford Dunwoody Road is one of the major transportation bottleneck locations in the Perimeter area. Current road patterns require all of the traffic on Ravinia Drive and Perimeter Center East to converge on to Ashford Dunwoody Road. Given the commercial nature of the developments on both these roads, morning and afternoon rush hour



times create huge congestion issues south of Perimeter Center West. Similar issues are created south of I-285 at Ashford Dunwoody Road, where vehicular traffic from offices at Perimeter Summit and Lake Hearn backs up during peak hours. The recent interchange improvements at Ashford Dunwoody Road are aimed at reducing congestion on Ashford Dunwoody Road, on both sides of I-285.

Additionally, the PCIDs completed the Perimeter Center Parkway Bridge (flyover) in 2007. This bridge provides much needed vehicular, pedestrian and bicycle accessibility connecting the Dunwoody MARTA Station to Perimeter Summit. The parkway improvements were achieved through a collaborative partnership between the Atlanta Regional Commission's Livable Centers Initiative, Georgia's Fast Forward bond program and DeKalb County.

The City also envisions realizing the goal of **expanding the open space** from the trails behind the Ravinia Towers to additional areas in the future. A public plaza would also be appropriate at Perimeter Summit, to serve the large number of residents and employees that will be using the complex. Public art such as sculptures or fountains could enhance these open spaces. This would anticipate a conversion of excess parking into usable pocket parks. A pocket park is defined as a small area – 2,500 sq. ft. to 1 acre – of open space for active or passive recreation within a development.

In 2009, the PCIDs broke ground on the nearly \$18 million half-diamond interchange at Hammond Drive and GA 400.

Construction will include building entrance and exit ramps from Hammond Drive to GA 400 and replace the four-lane Hammond overpass with a nine-lane, higher bridge to meet current and future traffic volumes. This will provide alternative access to the area. The project had been planned for more than 15 years.

#### **Perimeter Center Transitional Sub-Area:**

Geared specifically towards protecting the single-family communities that become vulnerable to density pressures given high land prices, this sub-area actively discourages incompatible infill and loss of neighborhood character. The City of Dunwoody intends to establish a "buffer zone" where transitional regulations can be put in place to offer contextual sensitivity. The plan envisions low and medium density office and some residential. The City of Dunwoody considers up to 8 units maximum to the acre "low density" and up to 12 units to the acre "medium density."

Two areas of potential open space, as indicated on the development opportunities map below, are identified. They include surface parking that could be converted into more appropriate uses, including usable open space amenities.



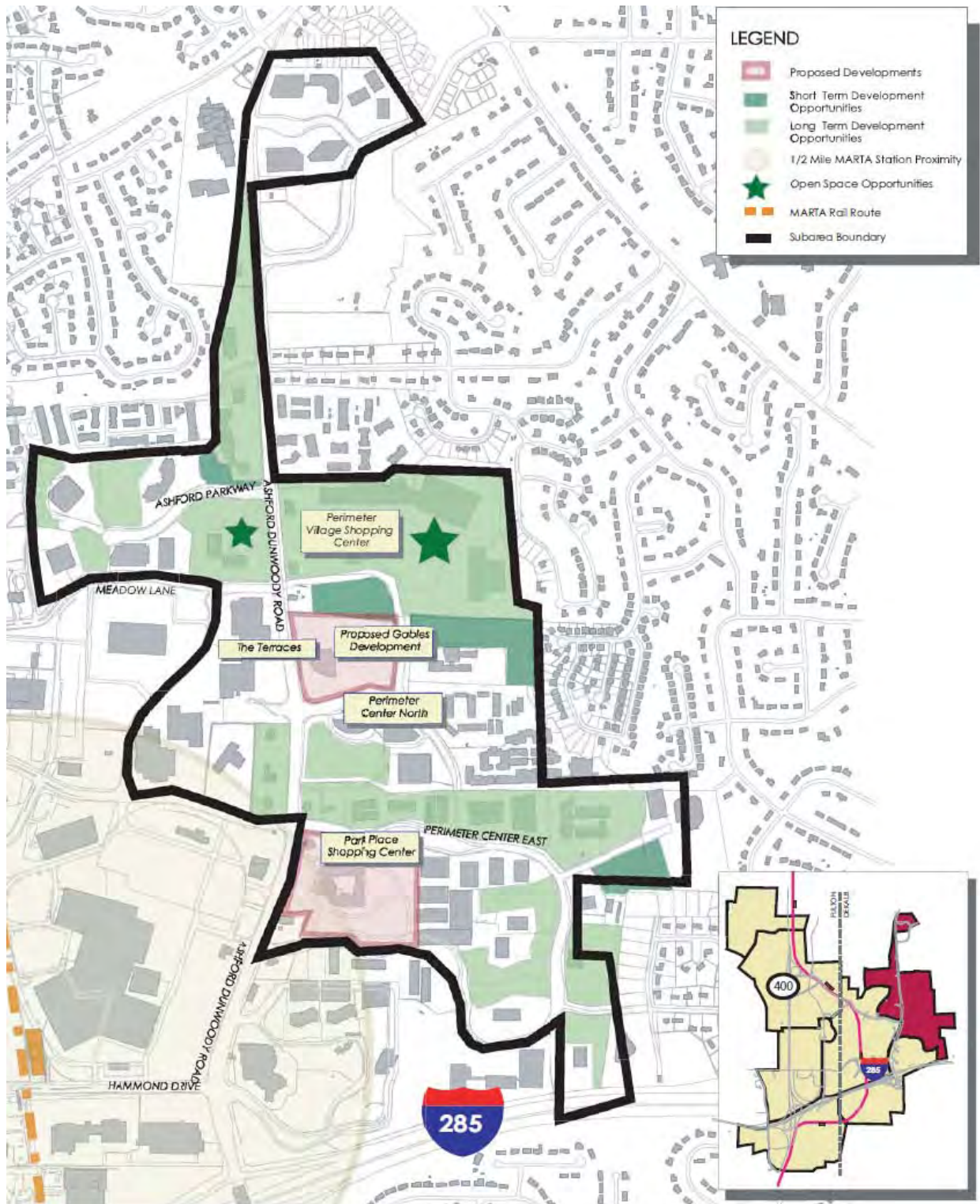


FIGURE 8: Development Opportunities, Transitional Zone (p 49, LCI Update 2005)



### Perimeter Center Character Area Goals

- Land Use
  - New residential development will include amenities and provide public functional green space
  - New residential development will address school capacity issues and applicants will work with Board of Education and City for better resolution of school issues
  - Reduce surface parking and promote livable centers in the immediate areas surrounding MARTA station
  - Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route
  - Achieve a lifelong-community for residents who can age in place with safe access to medical, recreational and other necessary services
- Transportation and Circulation
  - Create bicycle, pedestrian and potential golf cart options to connect with the rest of the City of Dunwoody
  - Work with the Perimeter Transportation Management Association (TMA) to actively reduce automobile dependency and emerge as a leader in alternative transportation for the region
  - Promote/establish new connectivity
- Intergovernmental Coordination
  - Work to strengthen Board of Education relationship for creative solutions to school capacity
  - Work with the PCIDs' boards to implement vision
  - Coordinate with the City of Sandy Springs for LCI Updates and implementation
  - Coordinate with the Atlanta Regional Commission (ARC) for implementation of future LCI study updates
  - Coordinate with MARTA regarding Bus Rapid Transit (BRT) (or other regional service) and urban design surrounding all transit stations





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

**Community Development**

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

678-382-6800 - www.dunwoodyga.gov

**9 Ravinia**

Aerial

September 6, 2011

**Legend**

City Streets

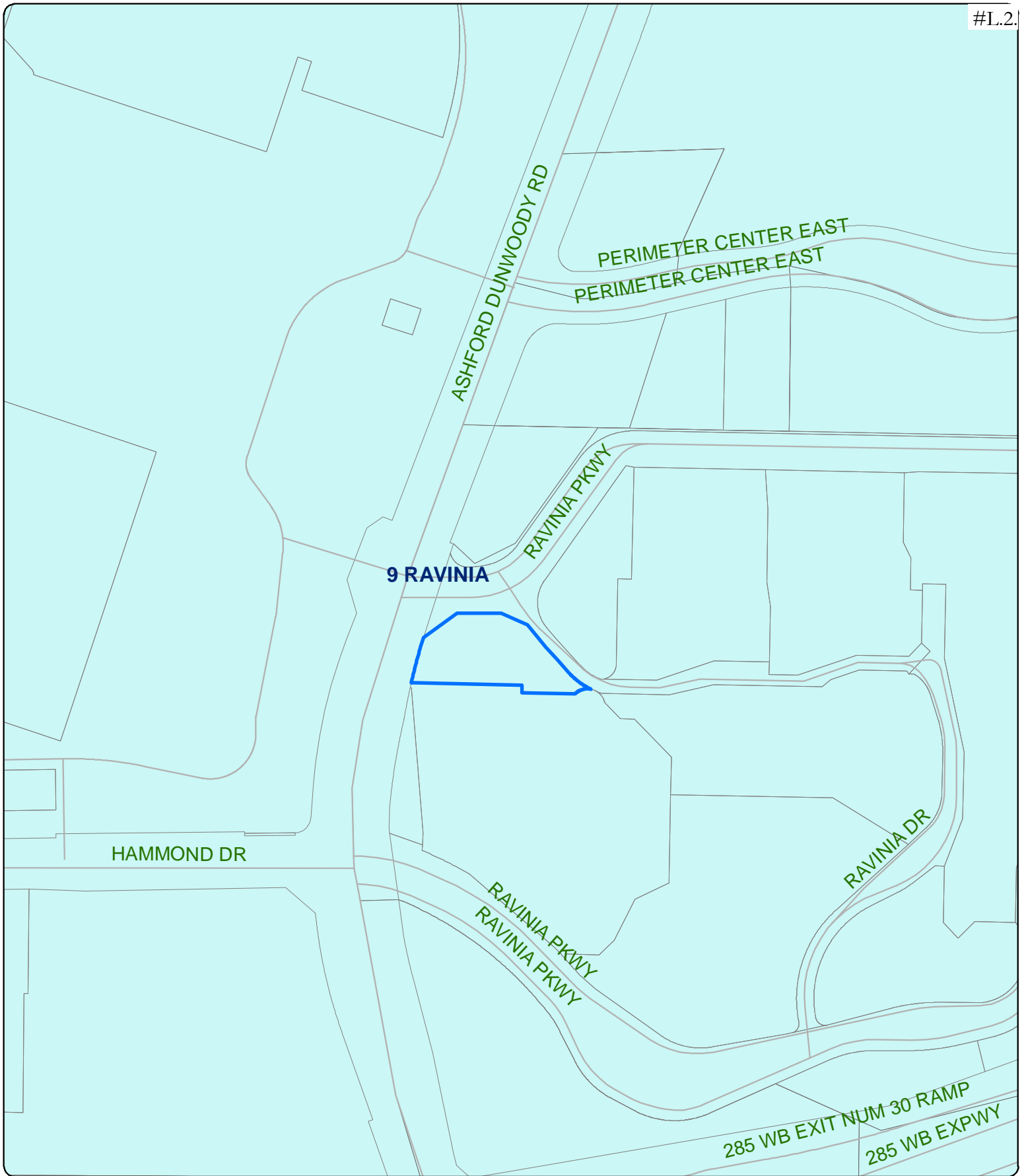
9 Ravinia



Scale: 1" = 250'  
(1:3000)

Map Notes:





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

**Community Development**

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Suite 250 | 30346-1902  
678-382-6800 ~ www.dunwoodyga.gov

### 9 Ravinia

Future Land Use

September 6, 2011

#### Legend

— City Streets

Perimeter Center Improvement District Character Area

9 Ravinia



Scale: 1" = 250'  
(1:3000)

Map Notes:





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**Community Development**

41 Perimeter Center East | Dunwoody, Georgia  
Suite 250 | 30346-1902  
678-382-6800 ~ www.dunwoodyga.gov

**9 Ravinia**

Site Location

September 6, 2011

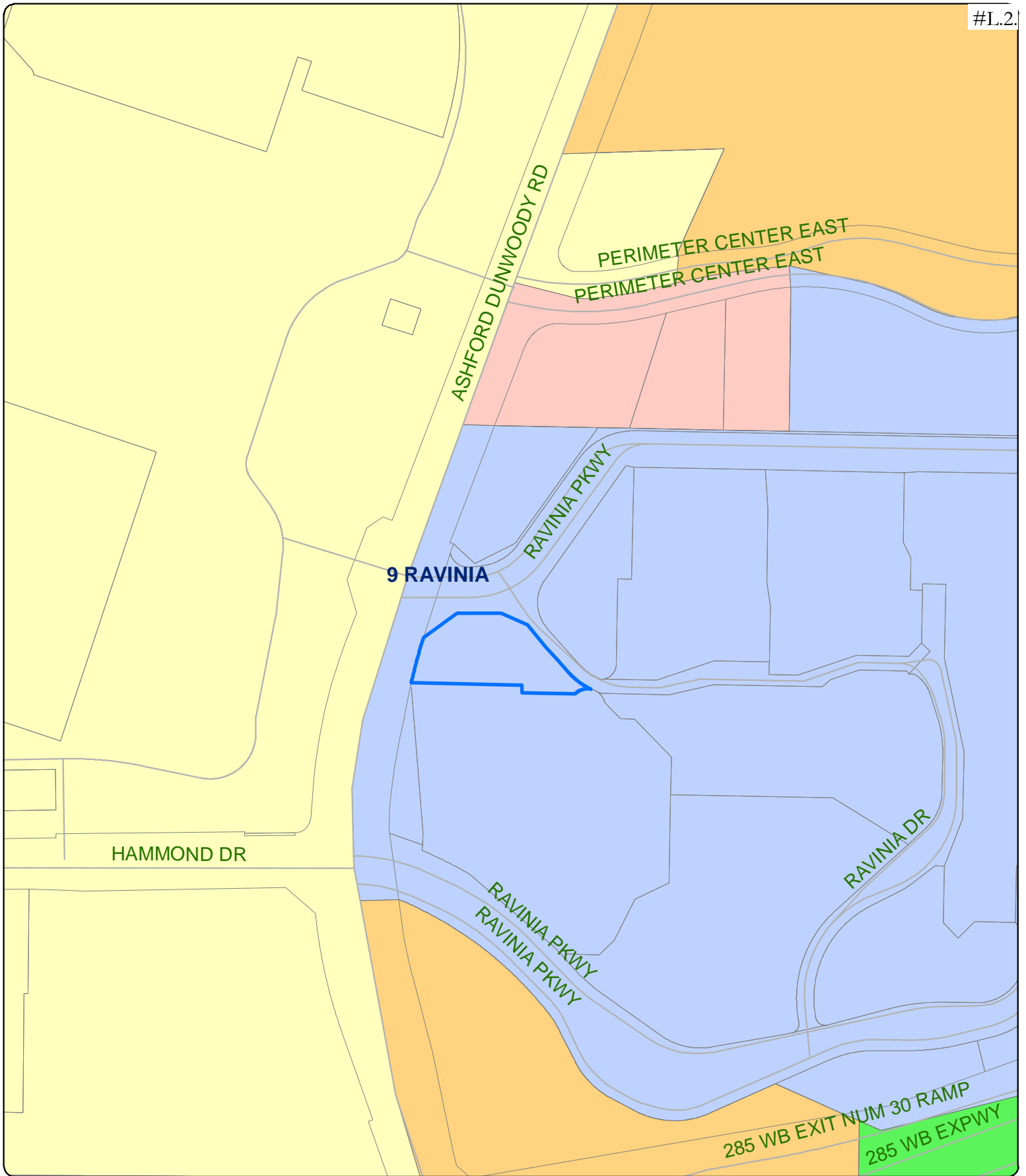
**Legend**

- Streams
- City Streets
- 9 Ravinia



Scale: 1" = 250'  
(1:3000)

Map Notes:



**Dunwoody\***  
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## 9 Ravinia

Zoning

September 6, 2011

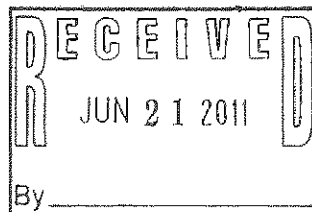
### Legend

City Streets	M	O-Ic	R-150	R-A5	RM-100
9 Ravinia	NS	OCR	R-50	R-A8	RM-150
C-1	O-D	OCRc	R-60	R-CD	RM-75
C-1c	O-I	PC-3c	R-75	R-CH	RM-85
C-2	O-I-T	R-100	R-85	RA	RM-HD



Scale: 1" = 250'  
(1:3000)

Map Notes:



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

## Rezoning Application


<b>Applicant</b>	Name: <u>Hines Atlanta Associates Limited Partnership</u>		
	Address: <u>Five Ravinia Drive, Atlanta, Georgia 30346</u>		
	Phone: <u>770-206-5303</u>	Fax: <u>770-206-5325</u>	Email: <u>vikram.mehra@hines.com</u>
<b>Property Owner</b>	Owner's Name: <u>(same)</u>		
	Owner's Address:		
	Phone:	Fax:	Email:
<b>Property Information</b>	Property Address: <u>9 Ravinia Drive</u>		Parcel ID: <u>18-347-01-047</u>
	Current Zoning Classification: <u>O-I - conditional</u>		
	Requested Zoning Classification: <u>C-1 - conditional</u>		
<b>Questionnaire</b>	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? <u>yes - see Statement of Intent</u>		
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? <u>yes - see Statement of Intent</u>		
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? <u>Not in this market</u>		
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? <u>No - see Statement of Intent</u>		
	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? <u>Yes - see Statement of Intent</u>		
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? <u>No</u>		
	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? <u>No</u>		
<b>Affidavit</b>	<i>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 filling additional materials as specified by the City of Dunwoody Zoning Ordinance.</i>		
	Applicant's Name: <u>Hines Atlanta Associates LP</u>		Date: <u>6/16/11</u>
	Applicant's Signature: <u>see Exhibit "A"</u> by: _____		Date: <u>6/16/11</u>
<b>Notary</b>	Sworn to and subscribed before me this <u>16th</u> Day of <u>June</u> , 2011		
	Notary Public:		
	Signature:		
	My Commission Expires:		

Exhibit "A"  
Rezoning Application  
9 Ravinia Drive  
Dunwoody, GA 30346

OWNER:

Hines Atlanta Associates Limited Partnership

By: Hines Georgia Corporation, its general partner

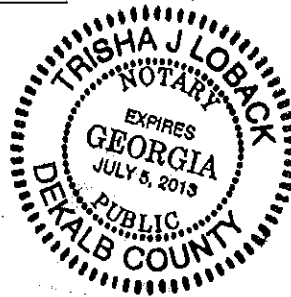
  
By: Kurt A. Hartman  
Senior Vice President

Sworn to and subscribed before me this 16<sup>th</sup> Day of June, 2011

Notary Public

Signature: 

My Commission Expires: 7/5/2013



Promenade II, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3592  
Tel: 404 815-3500  
Fax: 404 815-3509  
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP  
Attorneys at Law

Kathryn M. Zickert  
Direct Tel: (404) 815-3704  
Direct Fax: (404) 685-700  
kmzickert@sgrlaw.com

June 21, 2011

**VIA HAND DELIVERY**

Mr. Mike Tuller  
Community Development Director  
City of Dunwoody  
41 Perimeter Center East, Suite 250  
Dunwoody, GA 30346

Re: Rezoning Application of Hines Atlanta Associates LP

Dear Mr. Tuller:

Enclosed for filing please find the Rezoning Application of my client, Hines Atlanta Associates, L.P.; our filing fee in the amount of \$750; a Statement of Intent, which includes the Zoning Impact Analysis; the signed and notarized Affidavit of the Property Owner; a written legal description; eight copies of a current survey plat; and eight copies of our site plan. Neither I nor the Applicant have made any political contributions to Dunwoody officials within the past two years.

We are looking forward to working with the City of Dunwoody during the rezoning process.

Sincerely,

SMITH, GAMBRELL & RUSSELL, LLP

Kathryn M. Zickert

KMZ/mw  
Enclosures  
cc: Vikram Mehra





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

## Property Owner(s) Notarized Certification

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

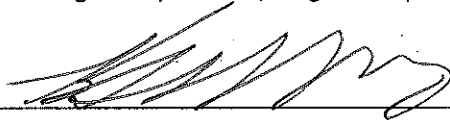
<b>Property Owner (If Applicable)</b>	Signature: SEE ATTACHED "EXHIBIT A"		Date: 6/17/2011
	Address: 5 Ravinia Drive	City, State: Atlanta, Georgia	Zip: 30346
	Phone: 770-206-5303		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
<b>Property Owner (If Applicable)</b>	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
<b>Property Owner (If Applicable)</b>	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

Exhibit "A"  
Rezoning Application  
Property Owner's Notarized Certification  
9 Ravinia Drive  
Dunwoody, GA 30346

OWNER:

Hines Atlanta Associates Limited Partnership

By: Hines Georgia Corporation, its general partner



By: Kurt A. Hartman  
Senior Vice President

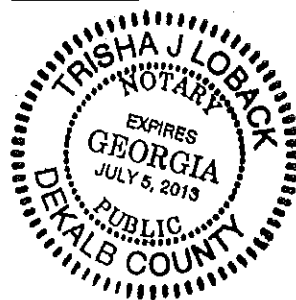
Sworn to and subscribed before me this 17<sup>th</sup> Day of June, 2011

Notary Public

Signature:



My Commission Expires: 7/5/2013





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

## Campaign Disclosure Statement

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

<b>Applicant / Owner</b>	Signature: See Exhibit "A"
	Address: Five Ravinia Drive, Dunwoody, GA 30346-2102
	Date: June 21, 2011

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

Date	Government Official	Official Position	Description	Amount




Exhibit "A"  
Campaign Disclosure Statement  
9 Ravinia Drive  
Dunwoody, GA 30346

OWNER:

Hines Atlanta Associates Limited Partnership

By: Hines Georgia Corporation, its general partner



By: Kurt A. Hartman  
Senior Vice President

Sworn to and subscribed before me this 21<sup>st</sup> Day of June, 2011

Notary Public

Signature:

My Commission Expires:

  
7/5/2013



**STATEMENT OF INTENT**

and

Other Material Required by  
City of Dunwoody Zoning Ordinance  
For the  
Rezoning Application  
From O-I (conditional) to C-1 (conditional)

of

Hines Atlanta Associates, LP

for

±0.815 Acres of Land located in  
Land Lot 347, 18th District  
Ashford Dunwoody Road and Ravinia Parkway

Submitted for Applicant by:

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Smith, Gambrell & Russell, L.L.P.  
Promenade II, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

## **I. INTRODUCTION**

Hines Atlanta Limited, the predecessor to Hines Atlanta Associates, LP ("Applicant") has developed the complex at I-285 and Ashford-Dunwoody Road known as "Ravinia". Currently, this development includes a 14-story hotel with 495 rooms; three high-rise office buildings, with a combined rentable office area of 1,542,346 square feet (excluding accessory uses such as The Ravinia Club and in-building cafés); a one-story "Leasing Center" used as the Hines southeast regional office; a private road system; extensive open space or parkland ( $\pm$ 13.9 acres), and 3.45 acres of currently vacant space. This rezoning applies to 0.815 acres of what is now open space.

The subject property is located in the triangle formed by Ashford-Dunwoody Road to the west, Ravinia Parkway to the north, and Ravinia Drive to the East and is currently zoned O-I. The Applicant seeks rezoning from O-I (conditional) to C-1 to allow a no more than 2,000 square foot Starbucks coffee shop with 27 parking spaces.

This document is hereby submitted as a Statement of Intent for the proposed project pursuant to § 27-832 of the DeKalb County Zoning Ordinance. This document also is intended to address and substantiate the requisite responses to the "Steinberg Act" O.C.G.A. § 36-67-1, et seq.

## **II. HISTORY**

Ravinia was first zoned by DeKalb County pursuant to CZ-82075 on May 25, 1982. The conditions of the original rezoning approval expressly contemplate the development of four office buildings and a hotel, (or five office buildings had the hotel not been built); as well as supportive retail space. Approximately 1,600,000 square feet net rentable office space was to be

constructed. Up to 15% of each building was approved for accessory retail uses. Thus from the outset a mixed use was contemplated for the site.

A number of Zoning Condition Alterations, both formal and administrative, followed this original rezoning approval. Most of these requests related to minor site plan revisions, such as the relocation of the north DeKalb County police precinct from the parking deck of one of the office buildings to its own freestanding building on its current site. In 1988, however, a more notable change was sought and approved to allow construction of a 30-story office building (subsequently designated "Ravinia III"). More notable still was the 1997 alteration of conditions which followed, and which approved development of the "Ravinia IV" office building.

In 2000, the Applicant submitted an application, which was eventually withdrawn, to alter the conditions of the Ravinia IV office building to allow the development of 30-story high-rise condominium or rental apartments, in lieu of the fourth office building. However, in 2003, the Applicant successfully pursued an alteration of zoning conditions to place retail uses and a parking deck on the 3.45 acres "grassy knoll" in front of the Crown Plaza Hotel at the intersection of I-285 and Ashford-Dunwoody Road. The vision was for two-story retail spaces, on top of a parking deck. That development has not as yet materialized.

### **III. IMPACT ANALYSIS**

#### **A.**

#### **THE REZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN**

As stated above, the Subject Property remains currently zoned O-I (conditional). The City of Dunwoody Comprehensive Land Use Plan places this property within the Perimeter Center Character Area and the subarea for High Density Mixed Use. The proposed development

is entirely consistent with this designation and will provide a supportive retail service, especially to existing Ravinia tenants.

The Subject Property is also a part of the Perimeter Center activity node as well as the Community Improvement District (CID) recently created for this area. As recognized several years ago by the Perimeter Center CID, a comprehensive system of streetscapes, sidewalks, trails, shuttle/circulator system and light rail needs to be developed in the Perimeter area. The CID has prioritized the creation of a “24-hour” balanced urban environment maximizing MARTA access and complimenting Perimeter’s strong office and retail markets, i.e. a Livable Centers Plan. Specifically the plan calls for a diverse, sustainable mix of land uses including residential, retail, office, entertainment, cultural and open space. The plan recommends a revision of land use and zoning regulations to encourage mixed-used development and additional housing. Incentives to encourage more housing should also be used such as density bonuses, tax allocation districts and other development assistance.

The CID plan also calls for intersection improvements to create a safe environment for pedestrians; new streets to create urban grids and offer multiple options for vehicular circulation, pedestrian and vehicular access; improvements to the Dunwoody MARTA station; as well as a local shuttle/circulator system and an east-west I-285 light rail line along Hammond Drive that connects to Cumberland/Galleria and Doraville.

The Livable Centers plan was developed with extensive input from a diverse group of stakeholders in the Perimeter area through surveys, public meetings, a broad-based steering committee and one-on-one interviews with key stakeholders representing residential, business, institutional and government issues. These groups identified the need for creation of a “town

center” in the vicinity of Perimeter Mall. Reducing off-street parking beyond the excessive requirements of the Zoning Ordinance, reducing setbacks to create a pedestrian-friendly environment with buildings close to the sidewalks, and allowing creativity and flexibility in landscaping and tree preservation all serve the goals described above. The proposed project will fit in nicely with the goals and intent of the CID and the Livable Centers plan for development for this area.

B.

THE PROPOSED REZONING PERMITS A USE THAT IS SUITABLE IN VIEW OF THE  
USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES

The Subject Property is part of the Perimeter Mall activity node and essentially lies at its center. The large Ravinia development includes 1,542,346 square feet of office space, related retail uses, a health club, a private dining facility, and a 500-room hotel. Walking trails, picnic areas, gazebos and similar improvements have made this area one of the most attractive amenities of the Ravinia complex.

Immediately across Ashford-Dunwoody Road to the west of the Subject Property lie C-1 zoning districts which signal the start of the heavy commercialization at and around Perimeter Mall. The 18.9 acre tract directly across Ashford-Dunwoody consists of approximately 294,400 square feet of retail space anchored by Rooms to Go and Best Buy. The Perimeter Mall property lies across Hammond to the north and extends approximately .5 mile north on Ashford-Dunwoody Road.

To the east of the Subject Property lies a 17.4 acre O-I tract, apparently zoned unconditionally. This acreage is the site of four multi-story buildings, which together contain approximately 1.6 million square feet of space, plus the hotel.

To the north of the Subject Property is a part of the O-I component of the Taylor-Mathis "original" Perimeter Mall Plan. Also to the north is the DeKalb County North Police precinct (zoned O-I), the land for which was donated by this Applicant as part of one of the earlier Ravinia condition alteration requests. These O-I districts extend north a short distance, where they adjoin the C-1 "Park Place" retail center.

To the south and southwest of the Subject Property are other large O-I developments. Directly across I-285 in the southeast quadrant of the Ashford-Dunwoody interchange is a five-story mid-rise office rezoned in 1981 (CZ-81150). In the southwestern portion of the interchange is the massive "Lake Hearn" zoning (now known as Perimeter Summit), a portion of which has been rezoned and developed for a five-story, 330 unit multi-family complex; three office buildings, a free-standing restaurant and, most recently, a 160 room hotel. Total office space in excess of 3.5 million net leasable square feet also is approved in Perimeter Summit, spread among eight buildings ranging from 12 to 28 stories in height. Three of these buildings have been erected: 1001 Perimeter Summit at 580,000 square feet and 21 stories, 3003 Summit Boulevard, at 390,000 square feet and 18 stories, and 2002 Summit Boulevard. Perimeter Summit also contains retail uses and conference space.

### C.

#### THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS PRESENTLY ZONED.

The Subject Property does not have an economic use as currently zoned. The market for office space in the immediate area, and indeed in this portion of DeKalb County and North Fulton County, continues to decline due to an overabundance of supply. The Applicant respectfully submits that the Zoning Ordinance of City of Dunwoody, Georgia, lacks adequate

standards for the Mayor and City Council to exercise its power to zone and rezone (or to issue special land use permits). In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The Mayor and City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised.

The Zoning Ordinance presently in effect, zoning this property as O-I, is contrary to the best interest of the health and welfare of the citizens of DeKalb County, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect, zoning this property as O-I, is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and



adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the subject property to C-1, as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

D.

THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR  
USABILITY OF ADJACENT OR NEARBY PROPERTY

The relevant Planning files of DeKalb County were reviewed by the Applicant in advance of the filing of this Application. Additionally, the Applicant will engage in negotiations with the Dunwoody Homeowner's Association and adjoining property owners in Ravinia to make sure its proposal is acceptable to these neighbors. Consequently, appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed development. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or terms; lighting

control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Many, if not all, of these devices will be utilized in this Application.

The Applicant will manage the design of the project in a manner which will maintain the overall quality of Ravinia as it relates to architectural design and landscaping to ensure suitability and minimal impact on adjacent uses. Lighting will be focused away from nearby and adjacent properties. The small commuter-oriented retail use will strike a proper development in the Ashford-Dunwoody corridor which remains designated by the City as an urban, intensive land use area. Applicant's project thus achieves the type of mixed-use, mixed-intensity development expressly encouraged by the Zoning Ordinance and Plan Guidelines while also insulating and protecting nearby residential areas.

E.

OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY

The Applicant's proposed use of the Property will become an integrated part of its innovative, high-quality, mixed-use development concept which balances the proposed use with the immediately adjacent office-institutional and commercial land uses. The Subject Property has approximately 130 feet of frontage on Ashford-Dunwoody Road, and is central to other major office, institutional and commercial uses.

In summary, the project at issue provides a desired retail shop within the context of high-density, intensive and already existing office-institutional and commercial uses on adjacent and nearby sites, in a node which is convenient to population concentrations and major transportation facilities. It further will create a transition from the larger, more intense land uses on the Ravinia

site as one moves closer towards Ashford-Dunwoody Road. This “step down” approach will result in a smaller scale uses that will be visible from the street.

F.

THE REZONING PROPOSAL WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES

Once a part of the vast Spruill family holdings, Ravinia has been developed with attention to the significance of historical components of the site. The fireplace from the original stores of a dwelling on the property were reassembled by the developer and placed on this tract. The developer will use its best efforts to relocate this chimney within the development to preserve it.

G.

THE REZONING PROPOSAL WILL NOT RESULT IN A USE THAT WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

The Institute of Traffic Engineers (ITE) Trip Generation Manual (Seventh Edition) (Code 934)(subspecialty Coffee Shop) was used to calculate vehicle trips for this development. For a 1987 square foot Starbucks with drive-through window, this development should generate a small amount of traffic relative to the area. According to the ITE Manual, a coffee shop of this size will generate 363 vehicle trips for the weekday morning peak period: 193 entering and 156 exiting. For the peak weekday evening period, 165 trips will be generated: 164 in, and 84 trips out. Additionally, the majority of the vehicles which will stop at this facility are already on the road or vehicles “passing by” on the surrounding road network.

Because this Application is for a coffee shop, there will be no effect on the school system.

All utility providers have indicated that resources are sufficient to supply this site, as well as water and sewer capacity.

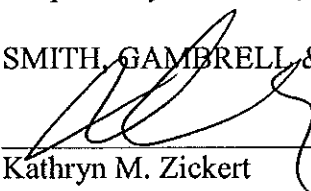
#### IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that its rezoning Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Dunwoody so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 21<sup>st</sup> day of June, 2011.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, L.L.P.



---

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Attorneys For Applicant

Promenade II, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 347 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a Georgia DOT concrete monument: located at the intersection of the easterly right-of-way line of Ashford-Dunwoody Road (where the right-of-way varies) with the northerly right-of-way line of Interstate 285 (having a variable width right-of-way); running thence in a generally northwesterly, northerly, and northeasterly direction along and coincident with said easterly right-of-way line of Ashford-Dunwoody Road the following courses and distances: North 73 degrees 35 minutes 06 seconds West a distance of 56.03 feet to a point; thence run along the arc of a 166.35 foot radius curve an arc distance of 54.01 feet to a point (said arc being subtended by a chord bearing North 23 degrees 44 minutes 01 seconds West and having a length of 53.78 feet); thence run North 11 degrees 44 minutes 52 seconds West a distance of 179.27 feet to a point; thence run North 14 degrees 52 minutes 30 seconds West a distance of 158.10 feet to a point; thence run along the arc of a 1001.75 foot radius curve an arc distance of 77.43 feet to a point (said arc being subtended by a chord bearing North 12 degrees 39 minutes 39 seconds West and having a length of 77.41 feet); thence run North 07 degrees 50 minutes 17 seconds West a distance of 217.35 feet to a point; thence run North 00 degrees 46 minutes 26 seconds East a distance of 36.66 feet to a point; thence run along the arc of a 1303.98 foot radius curve an arc distance of 181.44 feet to a point (said arc being subtended by a chord bearing North 09 degrees 02 minutes 44 seconds East and having a length of 181.29 feet); thence run along the arch of a 1292.98 foot radius curve an arc distance of 72.11 feet to a point (said arc being subtended by a chord bearing North 11 degrees 49 minutes 18 seconds East and having a length of 93.88 feet to a point marked by an iron pin found (1/2" rebar) located on the said right-of-way line of Ashford-Dunwoody Road, said point being the TRUE POINT OF BEGINNING; from the True Point of Beginning as thus

established, continue running along and coincidence with the said right-of-way line of Ashford-Dunwoody Road (variable width right-of-way) along the arch of a 1292.98 foot radius curve an arch length of 93.93 feet to a point (said arc being subtended by a chord bearing North 14 degrees 52 minutes 54 seconds East and having a length of 93.91 feet; thence leaving said right-of-way line of Ashford-Dunwoody Road, run North 53 degrees 55 minutes 07 seconds East a distance of 81.44 feet to a point; thence run South 89 degrees 14 minutes 24 seconds East a distance of 87.24 feet to a point; thence run South 65 degrees 57 minutes 49 seconds East a distance of 56.33 feet to a point; thence run along the arch of a 535.86 foot radius curve an arch length of 56.76 feet to a point (said arch being subtended by a chord bearing South 39 degrees 16 minutes 46 seconds East and having a length of 56.73 feet); thence run South 42 degrees 18 minutes 49 seconds East a distance of 68.18 feet to a point; thence run along the arch of a 140.74 foot radius curve an arch length of 47.44 feet to a point marked by an iron pin found (1/2" rebar) (said arch being subtended by a chord bearing South 51 degrees 58 minutes 14 seconds East and having a length of 47.22 feet); thence run along the arch of a 35.00 foot radius curve an arch length of 27.63 feet to a point (said arch being subtended by a chord bearing South 64 degrees 11 minutes 59 seconds West and having a length of 26.92 feet); thence run North 89 degrees 01 minutes 25 seconds West a distance of 105.51 feet to a point marked by an iron pin found (1/2" rebar); thence run North 00 degrees 58 minutes 35 seconds East a distance of 15.00 feet to a point marked by an iron pin found (1/2" rebar); thence run North 89 degrees 01 minutes 25 seconds West a distance of 218.18 feet to a point marked by an iron pin found (1'2" rebar), said point being the **TRUE POINT OF BEGINNING**.

The above-described property contains 0.815 acres as shown on that certain survey prepared for Hines, by Adam & Lee Land Surveying and certified by Gary L. Cooper, Georgia Registered Land Surveyor No. 2606, dated November 12, 2010.



## MEMORANDUM

TO: Neighbors

DATE: May 26, 2011

RE: NEIGHBORHOOD MEETING Regarding Proposed Development at  
Ashford-Dunwoody Road and Ravinia Drive

---

Dear Neighbor:

We represent Hines Atlanta, Ltd. Hines plans to file an application to rezone part of the Ravinia property located at Ashford-Dunwoody Road and Ravinia Parkway from OI to C1 to develop a restaurant. We are contacting you as property owners within the immediate area to invite you to attend a community meeting to hear more about the proposed development and offer input. The meeting will be held on June 16, 2011 at 7:00 p.m. at Five Ravinia Drive, Atlanta, Georgia 30346 (parking at Three Ravinia Drive Visitor Parking).

We look forward to seeing you then.

Thank You,

Kathryn M. Zickert  
Representative for Hines

PERIMETER MALL LLC  
POST OFFICE BOX 617905  
CHICAGO, ILLINOIS 60661-7905

RB 84 PC, LLC  
2929 ARCH STREET, #28  
PHILADELPHIA, PA 19104-2857

**RAVINIA PROPERTY OWNERS ASSOCIATION  
5 RAVINIA DRIVE  
ATLANTA, GEORGIA 30346-2100**

DEKALB COUNTY  
1300 COMMERCE DRIVE  
DECATUR, GA 30030-3222

HH FP PORTFOLIO LLC  
C/O ASHFORD HOSPITALITY TRUST, INC.  
14185 DALLAS PARKWAY  
SUITE 1100  
DALLAS, TEXAS 75254-4308



DUANE SHERMAN  
GENERAL MANAGER  
CROWNE PLAZA ATLANTA PERIMETER AT RAVINIA  
4355 ASHFORD DUNWOODY ROAD  
ATLANTA, GA 30346

HINES VAF ONE RAVINIA L.P.  
ATTN: HINES PROPERTY MANAGEMENT  
ONE RAVINIA DRIVE  
SUITE 1160  
ATLANTA, GA 30346

HINES INTERESTS LIMITED PARTNERSHIP  
ATTN: KURT A. HARTMAN, VICE PRESIDENT  
FIVE RAVINIA DRIVE  
ATLANTA, GA 30346-2102

PKY FUND II ATLANTA, LLC  
ATTN: ASSET MANAGER, GEORGIA  
188 E. CAPITOL STREET, SUITE 1000  
JACKSON, MS 39201

PARKWAY REALTY SERVICES LLC  
ATTN: PROPERTY MANAGER, TWO RAVINIA  
TWO RAVINIA DRIVE, SUITE 120  
ATLANTA, GA 30346

BRETT M. KOUTNICK  
SENIOR PROPERTY MANAGER  
COLONIAL PROPERTIES TRUST  
THREE RAVINIA DRIVE, SUITE 1230  
ATLANTA, GA 30346



June 1, 2011

DUNWOODY CRIER

Page 17

**Brookhaven,** *from page 1*

next step in the process of allowing residents to see if there is a reasonable benefit from wanting to pursue cityhood. It simply will analyze the potential revenues that might be expected to flow to a city and the amount of expenses it might incur based on the extent of services a new city might expect to provide and facilities and equipment it might expect to have.

Jacobs referred to the study as "the lynchpin of moving toward a city of Brookhaven," but said it is just a step required by law after city charter legislation is filed in the General Assembly as Jacobs did for a city of Brookhaven the day before the legislative session ended this year.

Baggert emphasized that the feasibility study does not take sides in the discussion but simply lays out the facts and figures so that the public and stakeholders can decide whether or not cityhood is feasible and the direction they want to go.

State Sen. Fran Millar told the audience that the reason for considering this move is "DeKalb County is a mess." He said there is going to have to be a change in the government. That same day, county commissioners began to talk publicly about a 4 mill property tax increase (see story, Page 1).

The meeting became contentious in at least three instances, where Jacobs stepped in and cut off the comments of Ashford Park Civic Association President Ronnie Mayer and two women from the audience. One of the women was complaining about including the amount of revenues gained through alcohol sales as a resource for a potential city.

The message Jacobs and other legislators were trying to deliver but were having difficulty getting some in the audience to understand, was that the feasibility study is going to be done. The meeting Tuesday was simply to explain what that study would involve and how it fit into the process of evaluating whether or not the residents want to pursue cityhood.

As Jacobs ex-

plained, the Carl Vinson Institute is going to study the feasibility of Brookhaven becoming a city—primarily from a financial standpoint, then there will be a series of additional community meetings for input and discussion, and then, if a final bill is presented to the legislature and passed, the public would have the opportunity to make the final decision by voting in a referendum.

After more than two hours, those who were left at the end—a shadow of the 240 residents who had filled the auditorium—seemed to understand that the feasibility study would move forward, with possibly some of their input included, and if started soon, could be completed by October.

Asked if the issue of cityhood would be on the ballot for voters in 2012, Jacobs could only say that he submitted the original city charter bill at the end of this year's legislative session so that the legislature could vote on it in 2012 if residents wanted it to move forward toward a vote.

He could not say whether the legislature would vote on it next year, much less if it could be ready for a referendum for the residents to vote on in 2012. Creation of the city of Dunwoody took three legislative sessions.

**Neuman,** *from page 11*

The defense argued that the warrants were done without proper probable cause and/or provided state information, and that police went further than the scope of the warrants in their searches.

Neuman's case is scheduled to go to trial starting on Oct. 17.

Neuman, a career engineer with GE Energy and the former supervisor of Andrea Sneider-

man, the victim's widow, has pleaded not guilty to the murder.

The released documents do not shed any apparent new light on an extramarital affair between the co-workers alleged by the suspect's estranged wife Ariela Neuman and Esther Panich, her Dunwoody attorney in a civil separation case. But they do show how Andrea Sneider-

man learned of her husband's death.

Alerted by Dunwoody Prep officials that her husband had been shot, Andrea Sneiderman arrived at the murder scene moments after her husband's body had been loaded into an ambulance. The police report said she exited the car screaming before falling into the arms of a detective on the scene.

**Council,** *from page 3*

of a whole bunch of amateurs."

Ultimately council agreed that the power to decide on removal of trees should remain in council's hands, not the commission.

In other news:

• Council approved the resolution regarding package Sunday alcohol sales in the city to the November ballot.

• Dunwoody Elementary Teacher of the year, Amanda McGehee, was congratulated

by council via a proclamation. McGehee was also given special recognition by the offices of Gov Nathan Deal, U.S. Representative Tom Price, (R-Ga.) and Sen. Johnny Isakson, (R-Ga.).

**Budget,** *from page 1*

should be kept in a separate account and any surplus should remain in that account, not moved to the general fund balance at the end of the year.

Ed Wall, chairman of the county pension board, and Stogner argued for allowing any surplus to go to the reserves to help the county's credit rating. They noted surplus funds from the fire department tax goes to the general fund.

Later the CEO's office responded that the county has cut

\$113.9 million during the Ellis term and that the commissioners rejected his proposed cuts to parks, libraries and the cooperative extension service and his proposal to outsource the development department.

At their May 24 meeting,

the board of commissioners approved the capital project budget, which included \$2.5 million for improvements at the PDK Airport. These included \$1.4 million for runway repairs and \$500,000 for t-shirt hangars.

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**The City of Dunwoody, Georgia:  
Notice of Public Hearing**

A Public Hearing will be held before the Mayor and City Council during the regularly scheduled City Council Meeting on Monday, June 13<sup>th</sup> at 7:00 p.m. in the Council Chambers of City Hall (41 Perimeter Center East, Suite 100, Dunwoody, GA 30346), for the purpose of due process in the following: adoption of an enhanced 9-1-1 charge on wireless communications, wireline communications, voice over internet protocol (VoIP) connections, and pre-paid wireless services within the City of Dunwoody, Georgia.


For more information, contact Kimberly Greer at [kimberly.greer@dunwoodyga.gov](mailto:kimberly.greer@dunwoodyga.gov) or 678-382-6709.

**Notice of Zoning  
Pre Application Meeting**

Hines Atlanta Limited will be filing with the City of Dunwoody a rezoning petition for .815 acres of land it owns on Ashford-Dunwoody Road at Ravinia Parkway to allow the development of a restaurant. A community meeting to review the application will take place at 7:00 o'clock p.m. on the 16th day of June, 2011 at Five Ravinia Drive, Atlanta, Georgia 30346 (parking at Three Ravinia Drive Visitor Parking). Interested persons are welcome to attend.

stage door players presents

RODGERS & HAMMERSTEIN'S








**GRAND NIGHT  
FOR SINGING**

directed by Robert Egizio  
musical direction by Linda Uzela  
choreography by Jen MacQueen

**MAY 13 - JUNE 5**

Box Office: 770-296-1778

POSTNET     



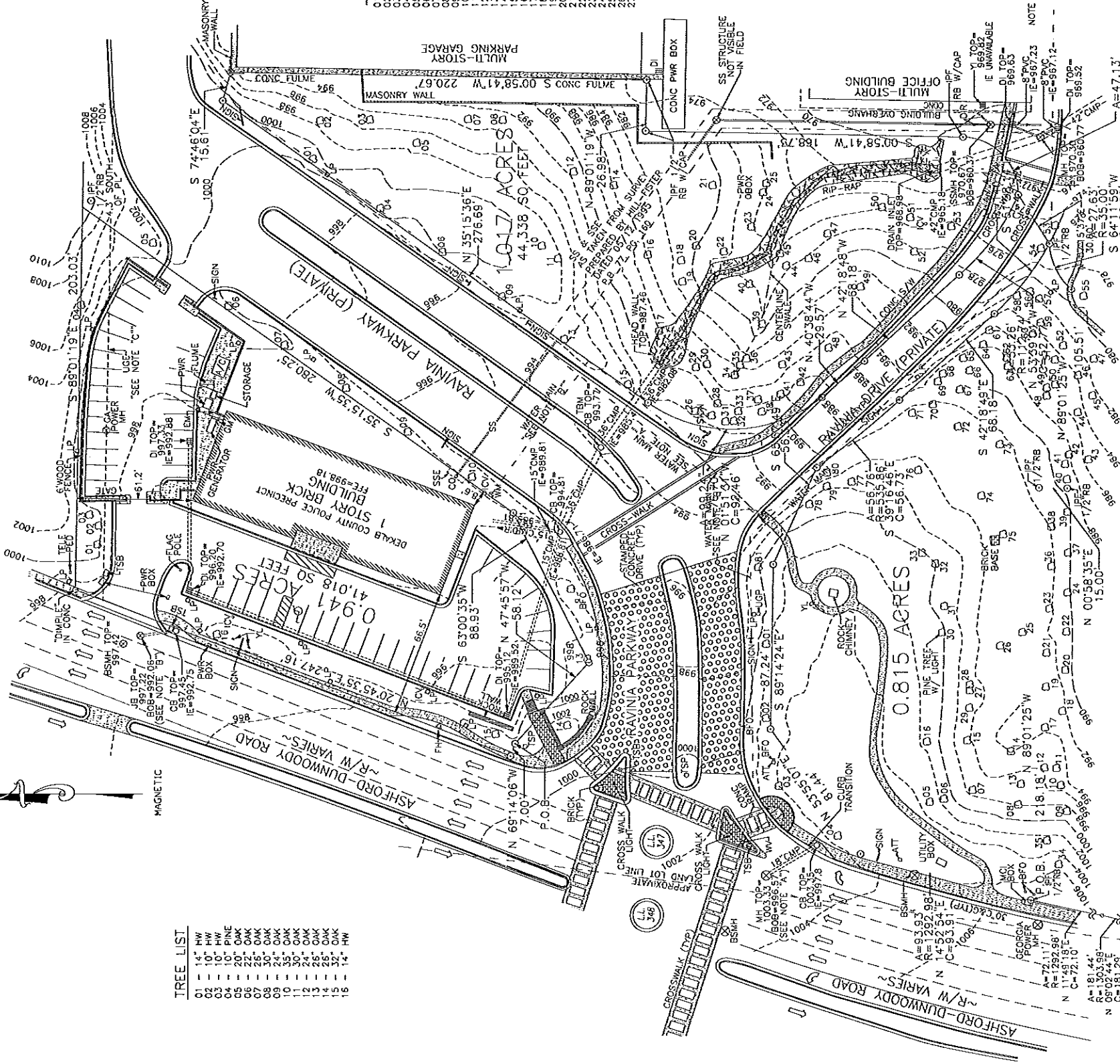
VERTICAL DATUM BASED ON TOPOGRAPHIC  
SURVEY PREPARED BY HILL-FISTER  
DATED 02/22/82

BOUNDARY INFORMATION TAKEN FROM  
PLAT PREPARED BY FISTER & ASSOCIATES  
DATED 05/05/85

ZONED O1  
(OFFICE INSTITUTIONAL)  
BUILDING SETBACK REQUIREMENTS  
FRONT - 50'  
SIDE - 20'  
SIDE YARD ALONG SIDE  
STREET ON CORNER LOT 50'  
INTERIOR SIDE SETBACK 20'  
REAR - 30'

TREE LIST	"	HW
01	14"	HW
02	10"	HW
03	10"	HW
04	10"	PINE
05	20"	OAK
06	22"	OAK
07	26"	OAK
08	30"	OAK
09	24"	OAK
10	35"	OAK
11	30"	OAK
12	24"	OAK
13	28"	OAK
14	36"	OAK
15	32"	OAK
16	14"	HW

TREE LIST	
01	351 OAK
02	141 PINE
03	151 PINE
04	361 OAK
05	141 PINE
06	241 OAK
07	121 PINE
08	331 OAK
09	331 OAK
10	141 PINE
11	141 PINE
12	251 OAK
13	141 PINE
14	151 OAK
15	281 OAK
16	381 OAK
17	381 OAK
18	181 OAK
19	121 OAK
20	311 OAK
21	181 OAK
22	121 OAK
23	121 OAK
24	221 OAK
25	151 PINE
26	191 PINE
27	191 PINE
28	311 OAK
29	311 OAK
30	241 OAK
31	181 OAK
32	181 OAK
33	181 OAK
34	121 PINE
35	331 OAK
36	331 OAK
37	241 OAK
38	311 OAK
39	141 PINE
40	141 PINE
41	121 OAK
42	121 OAK
43	121 OAK
44	121 OAK
45	381 OAK
46	241 OAK
47	241 OAK
48	201 PINE
49	321 OAK
50	321 OAK
51	261 OAK
52	261 OAK
53	261 OAK



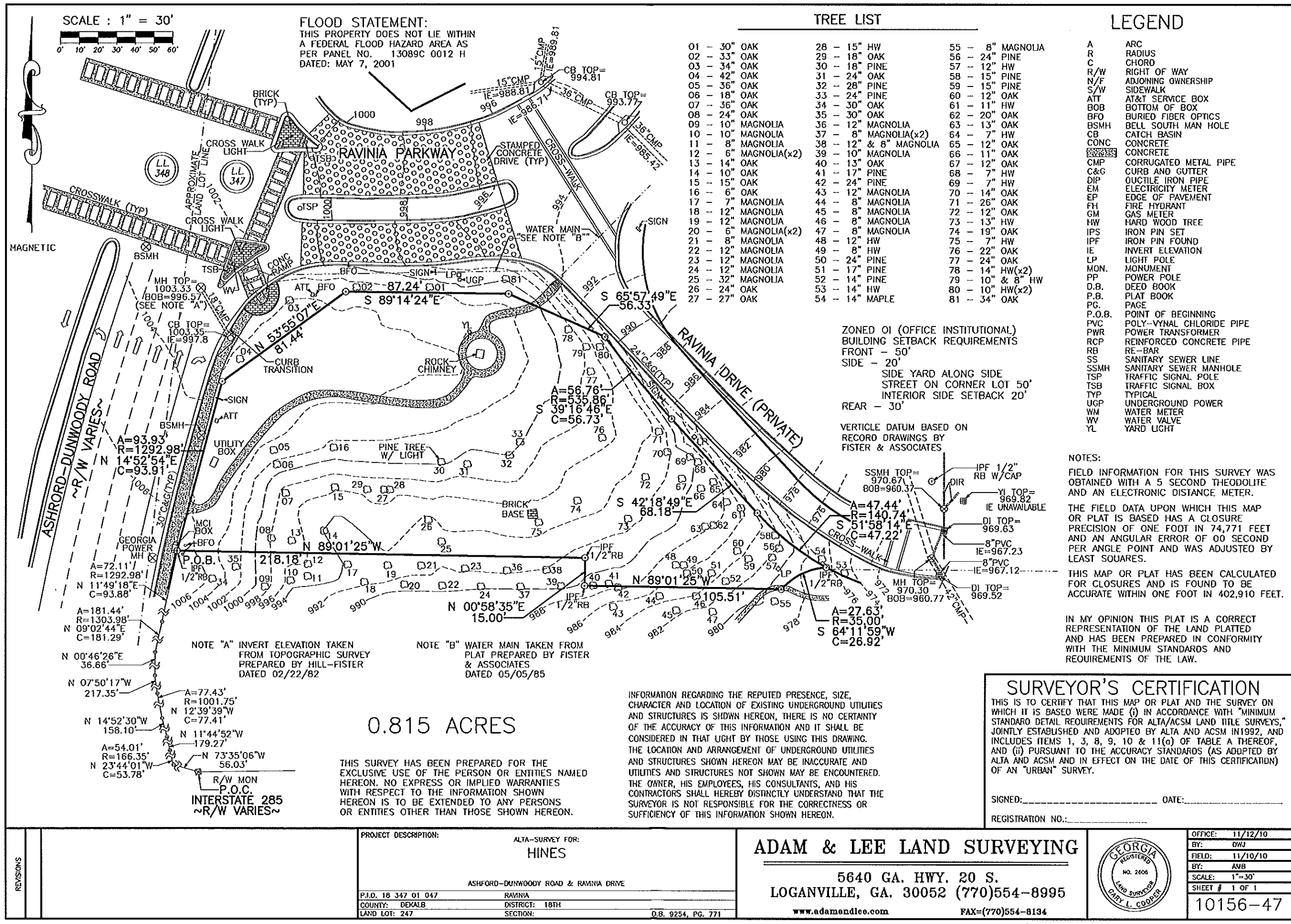
TREE LIST		
01	30"	OAK
02	30"	OAK
03	30"	OAK
04	30"	OAK
05	36"	OAK
06	18"	OAK
07	36"	OAK
08	24"	OAK
09	10"	MAGNOLIA
10	18"	MAGNOLIA
11	18"	MAGNOLIA
12	5'	MAGNOLIA(x2)
13	14"	OAK
14	14"	OAK
15	15"	OAK
16	17"	OAK
17	19"	MAGNOLIA
18	12"	MAGNOLIA
19	19"	MAGNOLIA(x2)
20	20"	MAGNOLIA
21	21"	MAGNOLIA
22	12"	MAGNOLIA
23	12"	MAGNOLIA
24	12"	MAGNOLIA
25	25"	MAGNOLIA
26	23"	OAK
27	27"	OAK
28	15'	HW
29	18"	OAK
30	19"	OAK
31	24"	OAK
32	28"	PINE
33	24"	PINE
34	30"	OAK
35	30"	OAK
36	30"	OAK
37	10"	MAGNOLIA
38	10"	MAGNOLIA(x2)
39	13"	OAK
40	13"	OAK
41	24"	PINE
42	24"	PINE
43	18"	MAGNOLIA
44	18"	MAGNOLIA
45	18"	MAGNOLIA
46	8'	MAGNOLIA
47	8'	MAGNOLIA
48	12"	HW
49	12"	HW
50	24"	PINE
51	24"	PINE
52	14"	PINE
53	14"	HW
54	14"	MAPLE
55	8'	MAGNOLIA
56	24"	PINE
57	12"	MAGNOLIA
58	15"	PINE
59	15"	OAK
60	12"	OAK
61	11"	HW
62	20"	OAK
63	13"	OAK
64	12"	OAK
65	12"	OAK
66	11"	OAK
67	12"	OAK
68	7"	HW
69	7"	HW
70	18"	OAK
71	18"	OAK
72	15"	OAK
73	15"	OAK
74	19"	HW
75	7"	HW
76	22"	OAK
77	24"	PINE
78	10"	HW(x2)
79	10"	HW(x2)
80	10"	HW(x2)
81	34"	OAK

LEGEND		S-42	
A	ARC	US	
B	RIGHT		
C	CHORD		
D	ADJOINING		
E	OWNERSHIP		
F	ADJOINING		
G	RIGHT OF WAY		
H	ADJOINING		
I	OWNERSHIP		
J	ADJOINING		
K	RIGHT OF WAY		
L	ADJOINING		
M	OWNERSHIP		
N	ADJOINING		
O	RIGHT OF WAY		
P	ADJOINING		
Q	OWNERSHIP		
R	ADJOINING		
S	RIGHT OF WAY		
T	ADJOINING		
U	OWNERSHIP		
V	ADJOINING		
W	RIGHT OF WAY		
X	ADJOINING		
Y	OWNERSHIP		
Z	ADJOINING		
AA	RIGHT OF WAY		
AB	ADJOINING		
AC	OWNERSHIP		
AD	ADJOINING		
AE	RIGHT OF WAY		
AF	ADJOINING		
AG	OWNERSHIP		
AH	ADJOINING		
AI	RIGHT OF WAY		
AJ	ADJOINING		
AK	OWNERSHIP		
AL	ADJOINING		
AM	RIGHT OF WAY		
AN	ADJOINING		
AO	OWNERSHIP		
AP	ADJOINING		
AQ	RIGHT OF WAY		
AR	ADJOINING		
AS	OWNERSHIP		
AT	ADJOINING		
AU	RIGHT OF WAY		
AV	ADJOINING		
AW	OWNERSHIP		
AX	ADJOINING		
AY	RIGHT OF WAY		
AZ	ADJOINING		
BA	OWNERSHIP		
BB	ADJOINING		
BC	RIGHT OF WAY		
BD	ADJOINING		
BE	OWNERSHIP		
BF	ADJOINING		
BG	RIGHT OF WAY		
BH	ADJOINING		
BI	OWNERSHIP		
BJ	ADJOINING		
BK	RIGHT OF WAY		
BL	ADJOINING		
BM	OWNERSHIP		
BN	ADJOINING		
BO	RIGHT OF WAY		
BP	ADJOINING		
BQ	OWNERSHIP		
BR	ADJOINING		
BS	RIGHT OF WAY		
BT	ADJOINING		
BU	OWNERSHIP		
BV	ADJOINING		
BW	RIGHT OF WAY		
BX	ADJOINING		
BY	OWNERSHIP		
BZ	ADJOINING		
CA	RIGHT OF WAY		
CB	ADJOINING		
CC	OWNERSHIP		
CD	ADJOINING		
CE	RIGHT OF WAY		
CF	ADJOINING		
CG	OWNERSHIP		
CH	ADJOINING		
CI	RIGHT OF WAY		
CJ	ADJOINING		
CK	OWNERSHIP		
CL	ADJOINING		
CM	RIGHT OF WAY		
CN	ADJOINING		
CO	OWNERSHIP		
CP	ADJOINING		
CQ	RIGHT OF WAY		
CR	ADJOINING		
CS	OWNERSHIP		
CT	ADJOINING		
CU	RIGHT OF WAY		
CV	ADJOINING		
CW	OWNERSHIP		
CX	ADJOINING		
CY	RIGHT OF WAY		
CZ	ADJOINING		
DA	OWNERSHIP		
DB	ADJOINING		
DC	RIGHT OF WAY		
DD	ADJOINING		
DE	OWNERSHIP		
DF	ADJOINING		
DG	RIGHT OF WAY		
DH	ADJOINING		
DI	OWNERSHIP		
DJ	ADJOINING		
DK	RIGHT OF WAY		
DL	ADJOINING		
DM	OWNERSHIP		
DN	ADJOINING		
DO	RIGHT OF WAY		
DP	ADJOINING		
DQ	OWNERSHIP		
DR	ADJOINING		
DS	RIGHT OF WAY		
DT	ADJOINING		

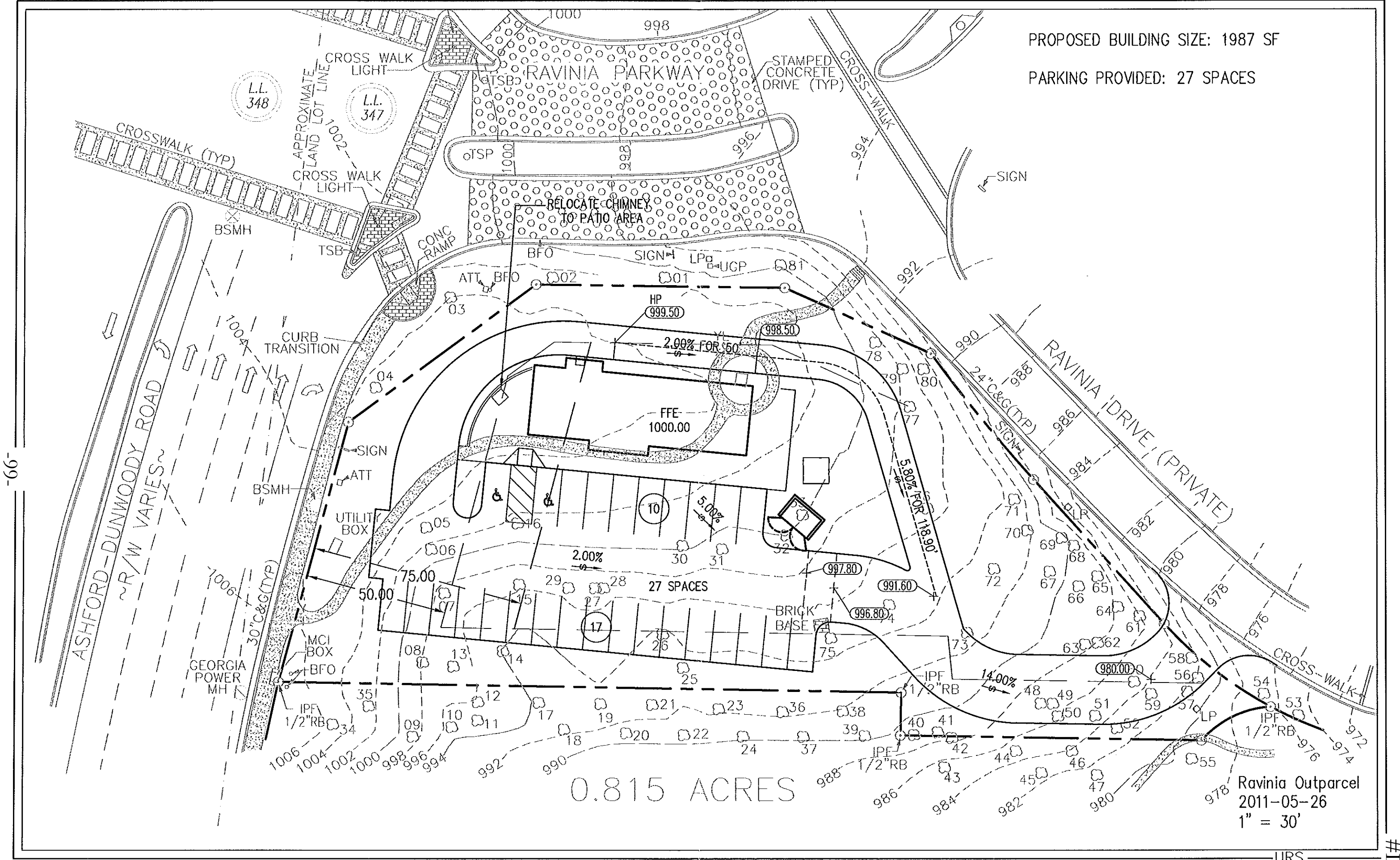
## LEGEND

## LIST TREE

INTERSTATE 285  
~R/W VARIES~  
~P.O.C.



PROPOSED BUILDING SIZE: 1987 SF  
PARKING PROVIDED: 27 SPACES



Ravinia Outparcel  
2011-05-26  
1" = 30'



Legend

 Tax Parcels

City Zoning

 Dunwoody Zoning

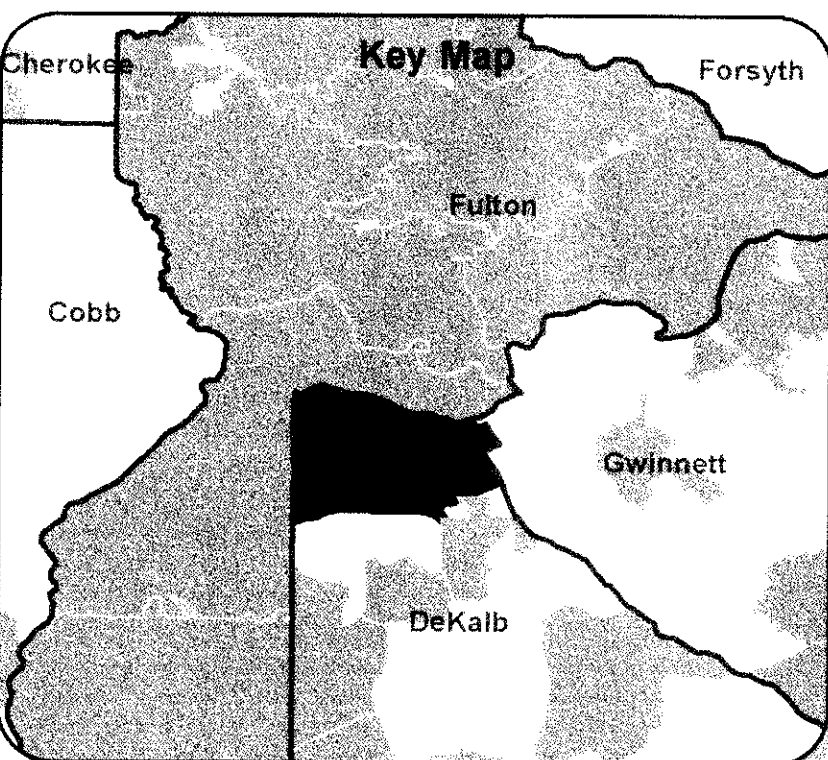
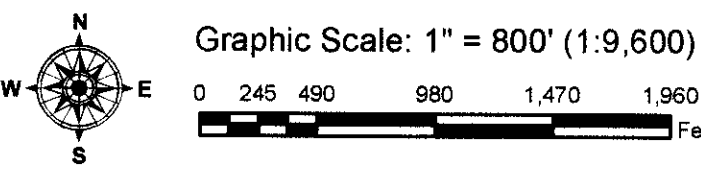
 Conditional Zoning

Approved:

Ken Wright, Mayor

ATTEST:

Sharon Lowery, City Clerk



Map Edition:

Map Publication Date:

Map Sheet:

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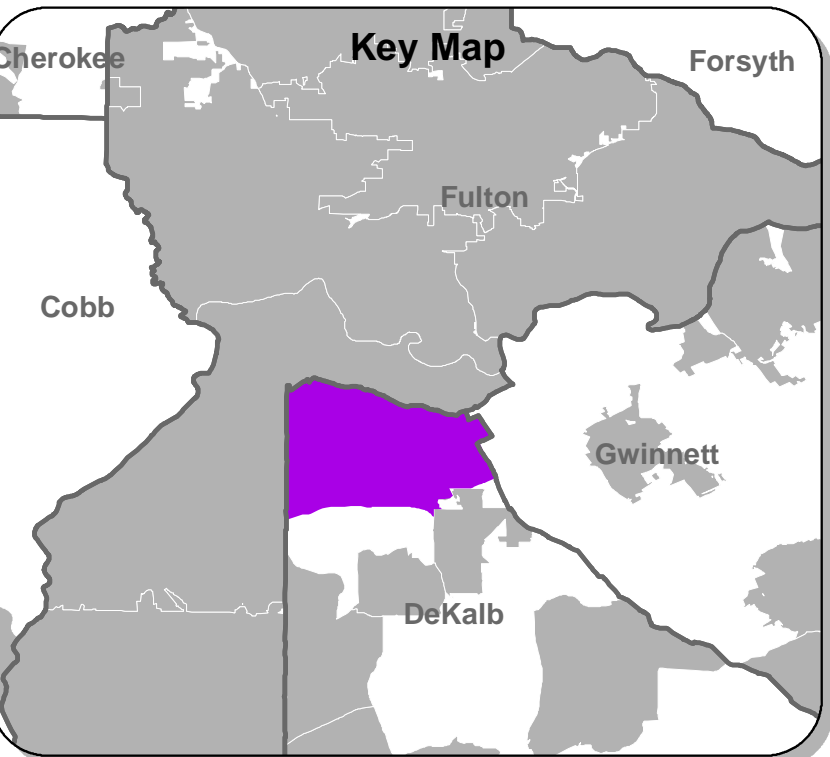
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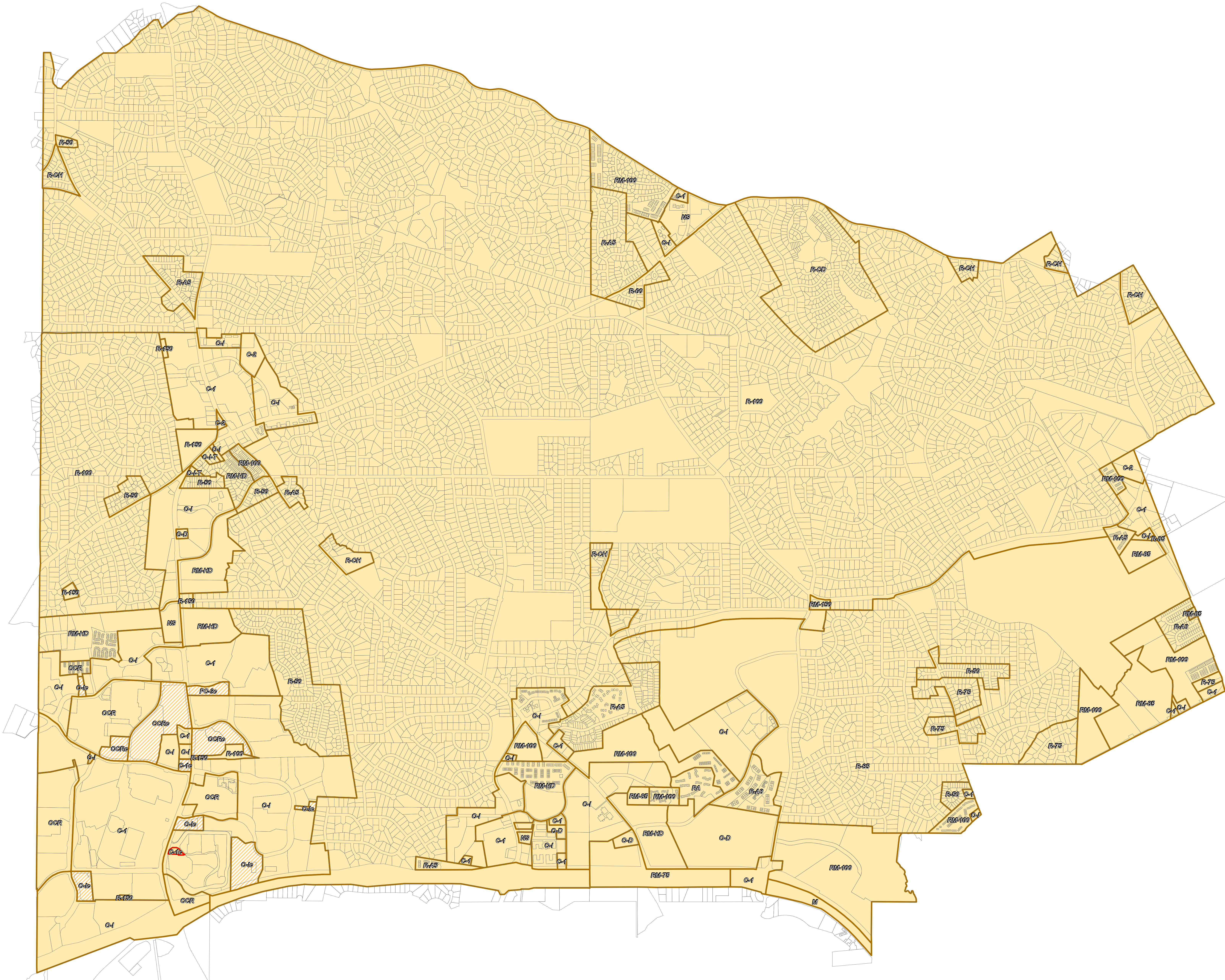
## Zoning Clarification

- Approved:
- 
- Ken Wright, Mayor
- ATTEST:
- 
- Sharon Lowery, City Clerk



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**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2011-10-32**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS OF LAND LOT 347, District 18 IN CONSIDERATION OF ZONING CASE RZ-11-091 (9 Ravinia Drive)**

**WHEREAS:** Applicant Hines Atlanta Associates Limited Partnership seeks permission to rezone the property designated as 9 Ravinia Drive, Dunwoody, Georgia, from its current zoning designation of Office-Institution District, conditional (O-Ic) to Local commercial conditional District (C-1) to permit construction of a drive-thru restaurant; and

**WHEREAS:** the City believes this zoning action would have a minimal adverse impact on the Comprehensive Plan and would appear to carry forward the spirit of the Comprehensive Plan text as it creates an amenity for adjacent office uses and incorporates pedestrian access via sidewalks and will take environmental concerns into consideration and provide a leisurely or professional meeting/gathering place that accommodates current and future adjacent uses; 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 duly noticed public hearing has been held by Mayor and City Council to hear public comment on the consideration of this proposed rezoning action.

**NOW THEREFORE,** The Mayor and City Council of the City of Dunwoody hereby **ORDAINES AND APPROVES** the rezoning of this said property from Office-Institution District, conditional (O-Ic) to Local Commercial Conditional District (C-1c) to permit construction of a drive-thru restaurant, with the following conditions:

- No direct access is to be granted from Ashford Dunwoody Road;
- Development shall conform to the site plan, submitted on June 21, 2011.

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

#L.3.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2011-10-32**

Attest:

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

SEAL