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## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Warren Hutmacher, City Manager

**Date:** June 26, 2012

**Subject:** **Rezoning for the 19 Acre Property**

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### **ITEM DESCRIPTION**

In order to implement the Urban Redevelopment Plan, and complete the authorization already granted for John Wieland Homes and Neighborhoods to act as applicant for rezoning of the 16 acre parcel, the Council may authorize John Wieland Homes and Neighborhoods to continue their current application for rezoning of the portion of the 19 acre property recently purchased by the City.

### **BACKGROUND**

Through the Project Renaissance – A New Georgetown Initiative the City has partnered with John Wieland Homes and Neighborhoods for the redevelopment of 35 acres of land in the Georgetown area. The 35 acres is comprised of a 16 acre parcel the City purchased in 2011 and a 19 acre property the City has under contract to purchase over the next three years.

As discussed in the Urban Redevelopment Plan, the current zoning of these two properties does not support the redevelopment envisioned by our community's Comprehensive Plan, Master Plan, or the Urban Redevelopment Plan.

At the May 29<sup>th</sup> Council Meeting, as owner of the 16 acre parcel, the City authorized John Wieland Homes and Neighborhoods to act as applicant for the rezoning of the 16 acre parcel. On June 1<sup>st</sup>, Hospital Corporation of America, the owner of the 19 acre property, authorized John Wieland Homes and Neighborhoods to act as applicant for the rezoning of the 19 acre property.

At the June 11<sup>th</sup> Council Meeting, the City authorized the purchase of the first three parcels, also described as "Tract A1" and "Tract B," of the 19 acre property. Now as owner of part of the 19 acre property, the City may authorize John Wieland Homes and Neighborhoods to continue their existing application for rezoning of the property in order to implement the adopted Urban Redevelopment Plan.

### **RECOMMENDATION**

Staff recommends authorizing John Wieland Homes and Neighborhoods to act as applicant for the rezoning of the three parcels of real property, 3.34 acres addressed 2030 Pernoshal Court, (Tax Parcel Identification Number 18 344 01 010), 2.83 acres addressed 4553 North Shallowford Road, (Tax Parcel Identification Number 18 344 01 009), and 1.99 acres addressed 4555 North Shallowford Road (Tax Parcel Identification Number 18 344 01 007).

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**RESOLUTION 2012-06-22**

**A RESOLUTION AUTHORIZING JW ACQUISITIONS, LLC TO ACT AS  
APPLICANT FOR REZONING OF PROPERTY ADDRESSED AT 2030  
PERNOSHAL COURT, 4553 NORTH SHALLOWFORD ROAD AND 4555  
NORTH SHALLOWFORD ROAD, DUNWOODY, GA**

- WHEREAS,** by Resolution 2012-04-12, the Mayor and City Council adopted an Urban Redevelopment Plan for the City of Dunwoody that included a 16 Acre Property the City purchased in 2011 and a 19 Acre Property the City had under contract to purchase over a three year period; and
- WHEREAS,** the City has partnered with JW Acquisitions, LLC to effectuate the redevelopment of the 16 Acre Parcel and the 19 Acre Property pursuant to the Urban Redevelopment Plan; and
- WHEREAS,** the current zoning of the 16 Acre Parcel and the 19 Acre Property do not support the redevelopment envisioned by the City's Master Plans as well as the Urban Redevelopment Plan; and
- WHEREAS,** the City has adopted a new Zoning category of Planned Development District that would allow the necessary flexibility to redevelop the 16 Acre Parcel and 19 Acre Property in conjunction with the visions of the City's Master Plans and Urban Redevelopment Plan, and the Property would need to undergo rezoning to the Planned Development District pursuant to the City's Ordinances and State law; and
- WHEREAS,** by Resolution 2012-05-18, the City authorized JW Acquisitions, LLC to act as the appropriate Agent to initiate the rezoning of the 16-Acre Parcel; and
- WHEREAS,** by Resolution 2012-06-19, the City authorized the purchase of three parcels of the 19 Acre Property, 3.34 acres addressed 2030 Pernoshal Court, (Tax Parcel Identification Number 18 344 01 010), 2.83 acres addressed 4553 North Shallowford Road, (Tax Parcel Identification Number 18 344 01 009), and 1.99 acres addressed 4555 North Shallowford Road (Tax Parcel Identification Number 18 344 01 007); and
- WHEREAS,** as the City's chosen partner in this redevelopment, JW Acquisitions, LLC requires the City's designation as owner of the three parcels of the 19 Acre Property for JW Acquisitions, LLC as the appropriate Agent to continue the rezoning of the three parcels of the 19-Acre Property; now

**THEREFORE, BE IT RESOLVED,** by the Mayor and Council for the City of Dunwoody that, by its authority as the Governing Authority of the City of Dunwoody and owner of three parcels of real property tax parcels referenced in this Resolution and as further detailed in the attached Legal Descriptions, the City hereby authorizes JW Acquisitions, LLC to continue the appropriate rezoning process to rezone said 19 Acre Property to the Planned Development District Category on the City's behalf.

**SO RESOLVED AND EFFECTIVE,** this 26<sup>th</sup> day of June, 2012.

Approved:

#1.2.

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**RESOLUTION 2012-06-22**

Attest:

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Michael G. Davis, Mayor

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Sharon Lowery, City Clerk

(Seal)

**TRACT A1**  
**Tax Parcels 18-344-01-007 & 18-344-01-009**

Being all that tract or parcel of land lying and being in Land Lot 344, of the 18<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, commence at a 1" crimp top pipe found at the common corner of Land Lots 344, 345, 352 and 353 of the aforesaid District; thence, leaving the said point and running with the westerly line of said Land Lot 344 and along the property now or formerly owned by Dekalb-Lake Ridge, LLC as described in a deed recorded among the Land Records of DeKalb County, Georgia in Deed Book 17650, Page 759, South 01° 44' 14" West, 279.73 feet to the easterly right of way of North Shallowford Road (having a 80' Right of Way); thence, running along the said easterly right of way of North Shallowford Road, 244.34 feet along the arc of a curve deflecting to the right, having a radius of 2,071.45 feet and a chord bearing and distance of South 45° 16' 42" West, 244.20 feet to the northerly right of way of Pernoshal Court (having a 60' Right of Way); thence leaving the northerly right of way of Pernoshal Court and running along a tie line of South 41° 05' 02" East, 60.01 feet to a 1/2" iron rod found at the intersection of the aforesaid easterly right of way of North Shallowford Road and the southerly right of way of aforesaid Pernoshal Court, said point being the True Point of Beginning of the below described tract or parcel of land; thence, leaving the said Point of Beginning and running along the aforesaid southerly right of way of Pernoshal Court the following courses and distances: North 47° 52' 55" East, 198.18 feet to a 1/2" rebar found; thence, 98.93 feet along the arc of a curve deflecting to the right, having a radius of 271.56 feet and a chord bearing and distance of North 58° 19' 06" East, 98.38 feet to a 1/2" rebar found; thence, 104.87 feet along the arc of a curve deflecting to the right, having a radius of 271.56 feet and a chord bearing and distance of North 79° 49' 06" East, 104.22 feet to a 1/2" rebar found; thence, South 89° 07' 05" East, 165.15 feet; thence, 236.91 feet along the arc of a curve deflecting to the right, having a radius of 542.96 feet and a chord bearing and distance of South 76° 37' 05" East, 235.04 feet; thence, South 64° 07' 05" East, 8.26 feet to a 3/4" open top pipe found; thence, leaving aforesaid southerly right of way of Pernoshal Court and running along the property now or formerly owned by RAJ BHOLE as described in a deed recorded among the aforesaid Land Records in Deed Book 9475, Page 74 and Dunwoody Trail Apartments Limited as described in Deed Book 4734, Page 63, South 24° 32' 50" West, 327.11 feet to a 1/2" rebar found; thence, running along the property now or formerly owned by Gables Realty Limited Partnership, Dunwoody GA-PDA, LLC, Dunwoody GA-PFG, LLC and Dunwoody GA-PETULA, LLC as described in a deed recorded among the aforesaid Land Records in Deed Book 13058, Page 546 the following courses and distances: North 89° 28' 30" West, 259.75 feet to a 3/8" rebar found; thence, South 61° 30' 43" West, 164.65 feet to a 1/2" rebar found on the aforesaid easterly right of way of North Shallowford Road; thence, running along the aforesaid easterly right of way of North Shallowford Road the following courses and distances: North 40° 01' 14" West, 20.00 feet to a 1/2" rebar found; thence, North 40° 01' 14" West, 281.95 feet to a 1/2" iron rod, and the Point of Beginning.

Containing 210,668 square feet or 4.8363 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

**TRACT B**  
**Tax Parcel 18-334-01-010**

Being all that tract or parcel of land, lying and being in Land Lot 344, of the 18<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, commence at a 1"crimp top pipe found at the common corner of Land Lots 344, 345, 352 and 353 of the aforesaid District; thence, leaving the said point and running along the northern line of said Land Lot 344 and the property now or formerly owned by DeKalb–Lake Ridge, LLC, as described in a deed recorded among the Land Records of DeKalb County, Georgia in Deed Book 17650, Page 759, North 89° 50' 23" East, 838.08 feet to a 1/2" rebar found at the True Point of Beginning of the herein described tract or parcel of land; thence, leaving said Point of Beginning and continuing along the aforesaid northern line of Land Lot 334, North 89° 06' 36" East, 500.68 feet; thence, leaving the northern line of Land Lot 334 and running along the property now or formerly owned by Atlanta Healthcare Management LTD, as described in a deed recorded among the aforesaid Land Records in Deed Book 10472, Page 794, South 25° 22' 55" West, 442.28 feet to the northerly Right of Way Line of Pernoshal Court (having a 60 feet wide right of way); thence, running along the said line of Pernoshal Court the following courses and distances: North 64° 07' 05" West, 212.70 feet; thence, 174.82 feet along the arc of a curve deflecting to the left, having a radius of 602.96 feet and a chord bearing and distance of North 72° 25' 27" West, 174.21 feet; thence, leaving the aforesaid line of Pernoshal Court and running along the property now or formerly owned by Atlanta Healthcare Management LTD, as described in a deed recorded among the aforesaid Land Records in Deed Book 10472, Page 794, North 10° 40' 06" East, 250.69 feet to a 1/2" rebar, and the Point of Beginning.

Containing 143,276 square feet or 3.2892 Acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.