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MEMORANDUM

To: Mayor and City Council

From: Warren Hutmacher, City Manager

Date: May 29, 2012

Subject: **Rezoning for the 16 Acre Parcel**

ITEM DESCRIPTION

In order to implement the Urban Redevelopment Plan, the Council may consider authorizing John Wieland Homes and Neighborhoods to act as applicant for rezoning of the 16 acre parcel owned by the City.

BACKGROUND

In March, the City unveiled a new redevelopment initiative: Project Renaissance – A New Georgetown. This revitalization effort is designed to implement the adopted Master Plan for the area.

To further this redevelopment initiative, in April, the City adopted an Urban Redevelopment Plan which targets 35 acres of land off North Shallowford Road (a 16 acre parcel owned by the City and a 19 acre property the City has under contract).

Earlier this month, after a public Invitation for Proposals process, the City announced the Selection Committee's recommendation to partner with John Wieland Homes and Neighborhoods for the redevelopment of these two properties.

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.

As owner of the 16 acre parcel, the City may authorize another party, such as John Wieland Homes and Neighborhoods to apply 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 16 acre parcel located at 4000 Dunwoody Park Drive, bounded on the west by Chamblee Dunwoody Road, on the northeast by North Shallowford Road, and on the southeast by Dunwoody Park Drive.

**A RESOLUTION AUTHORIZING JOHN WIELAND HOMES AND
NEIGHBORHOODS TO INITIATE REZONING ON 16 ACRE PROPERTY**

WHEREAS, the Mayor and City Council recently adopted an Urban Redevelopment Plan for the City of Dunwoody that included the 16-Acre parcel of Property owned by the City and located off of North Shallowford Road, bounded on the West by Chamblee Dunwoody Road, on the Northeast by North Shallowford Road, and on the Southeast by Dunwoody Park Drive, more specifically described in a Legal Description that is attached hereto and incorporated herein; and

WHEREAS, the City of Dunwoody properly solicited private companies to present a redevelopment plan for said Property in conjunction with its designation of the Urban Redevelopment Area as well as its powers under the Urban Redevelopment Act; and

WHEREAS, the City recently announced its decision to partner with John Wieland Homes and Neighborhoods to effect the redevelopment of the 16-Acre Parcel pursuant to the Urban Redevelopment Plan; and

WHEREAS, the current zoning of the 16-Acre Parcel does 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 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, as the City’s chosen partner in this redevelopment, John Wieland Homes and Neighborhoods desires to petition for the redevelopment of said Property and requires the City’s designation as owner of the Property of Johns Wieland Homes and Neighborhoods as the appropriate Agent to initiate the rezoning of the 16-Acre Parcel; 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 the 16-Acre Property defined in this Resolution and as further detailed in the attached Legal Description, the City hereby authorizes John Wieland Homes and Neighborhoods to pursue the appropriate rezoning process to rezone said 16-Acre Parcel to the Planned Development District Category on the City’s behalf.

SO RESOLVED AND EFFECTIVE, this 29th day of May, 2012.

Approved:

Michael G. Davis, Mayor

Legal Description

All that tract or parcel of land lying and being in Land Lot 345, of the 18th District City of Dunwoody, DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a capped 1/2" rebar set at the intersection of the southerly right of way of North Shallowford Road (having a variable width right of way) with the westerly right of way of Dunwoody Park Drive (having an apparent 60' right of way); thence, leaving the southerly right of way of North Shallowford Road and running along said westerly right of way of Dunwoody Park Drive the following calls and distances South 39°15' 09" West, 251.95 feet to a 1/2" rebar found; thence, 294.12 feet along the arc of a curve deflecting to the left, having a radius of 344.38 feet and a chord bearing and distance of South 14°47' 09" West, 285.26 feet to a 1/2" rebar found; thence, South 09°40' 51" East, 38.55 feet; thence, leaving the aforesaid westerly right of way of Dunwoody Park Drive and running along the common line with the Estates at Dunwoody Park Ga, LLC (recorded in DB 21645 pg 63) the following calls and distances South 80°19' 09" West, 29.65 feet; thence, 24.18 feet along the arc of a curve deflecting to the right, having a radius of 113.00 feet and a chord bearing and distance of South 86°26' 57" West, 24.13 feet; thence, North 87°25' 16" West, 221.18 feet; thence, 72.58 feet along the arc of a curve deflecting to the right, having a radius of 263.00 feet and a chord bearing and distance of North 79°30' 55" West, 72.35 feet; thence, North 71°36' 34" West, 250.04 feet; thence, 208.29 feet along the arc of a curve deflecting to the right, having a radius of 513.00 feet and a chord bearing and distance of North 59°58' 41" West, 206.86 feet to the easterly right of way of Dunwoody Park North (having an apparent 60' right of way); thence, leaving said common line of the Estates at Dunwoody Park Ga, LLC and continuing along the aforesaid public right of way Dunwoody Park North 12.28 feet along the arc of a curve deflecting to the right, having a radius of 161.03 feet and a chord bearing and distance of North 42°28' 32" East, 12.27 feet to a 1/2" rebar found at the terminus of the public right of way of Dunwoody Park North; thence along the aforesaid terminus of Dunwoody Park North, North 45°16' 06" West, 60.03 feet to a capped 1/2" rebar set on the westerly terminus of the aforesaid right of way; thence, leaving the westerly right of way of Dunwoody Park North along the common line of Atlanta Jewish Federation, Inc. (recorded in DB 12193 PG 191), the following calls and distances South 73°43' 32" West, 90.68 feet to a capped 1/2" rebar set; thence, North 53°18' 27" West, 316.97 feet; thence, South 74°32' 39" West, 262.91 feet to a capped 1/2" rebar set on the easterly right of way of Chamblee Dunwoody Road (having a variable right of way); thence, running along the aforesaid easterly right of way the following calls and distances 175.55 feet along the arc of a curve deflecting to the right, having a radius of 350.35 feet and a chord bearing and distance of North 17°44' 30" East, 173.72 feet to a 1/2" rebar found; thence, North 32°07' 36" East, 182.63 feet to a 1/2" rebar found; thence, leaving the aforesaid right of way of Chamblee Dunwoody Road and running, along the common line of Tangier Investments, LLC (recorded in DB 17014 PG 252) and Delido Apartments LTD (recorded in DB 17789 PG 371) South 88°57' 21" East, 772.69 feet to a 1/2" rebar set; thence, continuing along the common line of Delido Apartments LTD (recorded in DB 17789 PG 371) and ReIdnac Shallowford LLC (recorded in DB 20018 PG 251) South 89°03' 38" East, 532.99 feet to a 1/2" rebar found on the southerly right of way of North Shallowford Road; thence, running along the aforesaid southerly right of way of North Shallowford Road South 50°30' 43" East, 208.56 feet to a 1/2" rebar, and The Point of Beginning.

Containing 696,935 square feet or 15.9994 acres of land, more or less.