

MEMORANDUM

To: Mayor and City Council

From: Steve Dush, AICP

Date: October 29, 2012

Subject: RZ 12-102: Rezoning for 1725 Mount Vernon Road, 18 366 05 062, from Office-Institution Conditional (O-Ic) to Office-Institution Conditional (O-Ic) to allow for a change of previous conditions.



BACKGROUND

Charles P. Stephens has submitted to the City of Dunwoody a request to change a previously approved condition of zoning related to an office property located in the Dunwoody Village character area. It should be noted that this request is not made to change the zoning district designation of the parcel in question, nor is the request made to facilitate any new land use. The site's prior approval is conditioned to a site plan, pursuant to a rezoning that took place to change the property from R-100 to O-I (CZ-77062) on June 28, 1977, and the applicant is requesting to amend the site plan through a change of conditions to allow for the construction of a single entry way where there are currently two entrances. The building is located towards the east end of the site, between two of the eight other office buildings on the site. This variance request relates to the front porch on the north side of the building, facing Mount Vernon Road. In a subsequent application to the Zoning Board of Appeals, the applicant will also request a front yard setback to be reduced in order to accommodate a deeper porch and to modify the curb and paving in order to



allow for additional landscaping. These changes are proposed in order to accommodate the existing tenant, which has been the sole occupant of the building for several years.

Direction	Zoning	Use	Current Land Use
N	R-100, O-I	Commercial, Residential	Office, Financial, Single-family Residential
S	R-100	Residential	Single-family Residential
E	O-I	Commercial	Office
W	C1	Commercial	Office

ANALYSIS

In Georgia, the state prescribes procedures for its counties and municipalities governing zoning decisions, and the local government is required to strictly follow the procedures set out in the Zoning Procedures Law, O.C.G.A. Title 36, Chapter 66.

O.C.G.A. §36-67-1 thru -6 is the State of Georgia Law that requires planning departments and the Boards, Commissions and Councils who review requests for zoning changes to review and research zoning proposals, and before passing recommendation compare the request to- and contrast the request with a set of six criteria. The Steinberg Act is accepted as the requirement associated with the State's Zoning Procedures Law. These criteria are enumerated as follows:

"...The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

"(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

"(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

"(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

"(4) 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;

"(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

"(6) 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."

O-I District Analysis

The Office-Institution zoning district limits allowable land uses to those of low-intensity with low expected turn-over, such as finance, insurance and real estate offices, as well as schools, cultural facilities and private parks. The Dunwoody zoning ordinance reads:



The purpose and intent of the city council in establishing the O-I (Office-Institution) District is as follows:

- (1) To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and businesses and professional practitioners within the city;
- (2) To provide locations for the development of cultural, recreational, educational and health service facilities for the city.

This application does not propose to alter the land uses on the property, and is required solely to expand upon existing structures in a way not envisioned previously. The expansion will extend to the north, toward Mt. Vernon Road, not to the south toward the residential properties lying behind the office park. The expansion is not permissible by right in Dunwoody, and will, in fact, require permission from the Zoning Board of Appeals prior to any construction. This application is a land use question and does not address site design or bulk standards.

Comprehensive Plan/Future Development Map

The parcel in question lies within the boundaries of the Dunwoody Village Overlay District. The city's Comprehensive Land Use Plan references the Dunwoody Village, as follows:

Vision/Intent

Dunwoody Village has historically been the "heart" of Dunwoody. A master planning process will have established a detailed vision for this center of the community, focused on pedestrian and bicycle amenities, public functional green space, traffic calming, architectural controls, connectivity and place making. A sense of history will add to the charm and sense of place.

This area will offer a "village green" with civic activities and amenities, and redevelopment will draw community members to shopping, dining and entertainment. Furthermore, redevelopment should have a residential component for day and evening activity to foster community. The design should embody the unique character of Dunwoody. The marker or unifying signifier (whether a "logo" or other identifier) that the City creates for itself and employs at gateways should be hallmarked in the Dunwoody Village in a distinctive, prominent way.

Future Development

- **Height:** Up to 3 stories, but allow potentially up to 5 at intersections if and only if a unique project is proposed with architecturally distinct features, innovative parking solutions (covered decks, underground parking, or alternatives) and functional spaces for public use. A 5-story building would only be considered at the core of the Village; the boundary properties of the Dunwoody Character Area will not be appropriate if greater than two stories
- **Form:** Master planned design, high quality building materials, civic amenities, integrated open space and appropriate transitions from greater to less intense uses. The periphery of the character area will include an exceptional, large transitional area to adequately protect single-family residential and other residential homes in the area
- **Use:** Mixed-Use (combined office, retail and residential where residential is located only on the second floor or above) up to 12 units to the acre, although age-restricted



projects would be granted consideration for additional densities; live-work units, civic institutional, community retail (not greater than 50,000 square feet), local and unique business, boutique retail, public assembly and entertainment. Additional density is allowable, if and only if, the nature of the mixed-use development provides exceptional opportunities for creating a high quality community

Goals

- Land use
 - o Create an active community center with public places to gather, following a master planning process that potentially supports a redevelopment investment program
 - o Through the Master Plan process, establish way-finding or landmark features that unify the Village and can be used across the City, if a way-finding or gateway plan does not already exist for the greater City as a whole
 - o Master Plan should consider shadowing effects of taller buildings and appropriately regulate to not visually impose on adjacent single-family residents
 - o Implement the Dunwoody Village Overlay and review regularly to ensure enforcement meets intent of overlay and Character Area vision
- Transportation and circulation
 - o Creatively address the parking and congestion that new local activity may generate
 - o Master Plan process will identify solutions for structural parking
 - o Establish bicycle network for new connectivity throughout the City so that “all roads lead to the Village”
 - o Establish infrastructure thresholds that new development must meet
- Community Facilities
 - o Pursue site location evaluation and financing plan locating City Hall, Police and other civic functions, including options for joint public-private partnership
 - o Create venues for cultural events like music and create programs for public uses of City Hall and library

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 importance of the Comprehensive Plan cannot be understated as a guiding document in the zoning decisions for a jurisdiction. The Comprehensive Plan is a living document that is created from public input and sentiment; it lays out the community's vision for how to grow and develop today, and in the future. The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas.' The subject parcel is located in the 'Dunwoody Village Area,' summarized on the attached excerpt from the Comprehensive Plan. The request is consistent with the findings of the Comprehensive Plan as an active community center with architecture that supports community gathering space.***
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; ***The use is not proposed to change; it will remain as a financial institution.***



(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; ***The property involved in this zoning action has some economic use as currently zoned. In fact, it will not change as a result of this request, as the request is to change the conditions to permit the construction of a larger front porch.***

(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 "actively changing" conditions, merely the creation and adoption of both the City's Comprehensive Plan and sub-area Master Plan as a guide for the development of parcels such as these.***

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

(7) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. ***The proposal for the site in question will not have excessive nor burdensome effects on city streets, infrastructure or schools. The infrastructure present is suitable to handle the current vehicle traffic for the sites.***

RECOMENDATION

Staff recommends the application be approved, provided the following:

1. Construction of the project must substantially comply with the terms and conditions indicated on the supplied site plan, submitted July 23, 2012
2. No land uses are to be enabled or restricted in any manner that alters DeKalb County previously approved land uses.

The Community Council reviewed the item at their regularly scheduled August meeting. The Community Council recommended approval of the item (5-0).

The Planning Commission recommended approval of the item at their regularly scheduled September meeting with the addition of the staff conditions (6-0)

Attachments

- Site Location Map, Zoning Map, Future Land Use Map, Comprehensive Plan Excerpt
- Previously approved site plan and zoning conditions from CZ-77062
- Application submittal materials

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2012-XX-XX

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION
AND MAP FOR ZONING CONDITIONS OF LAND LOT 366, District 18 IN
CONSIDERATION OF ZONING CASE RZ-12-102 (1725 Mount Vernon Road)**

WHEREAS: Charles P. Stephens seeks permission to change a previously approved condition of zoning related to an office property located in the Dunwoody Village Character Area; and

WHEREAS: the Property's prior approval is conditioned to a site plan pursuant to a rezoning that took place in 1977 from R-100 to O-I zoning designation and the applicant seeks permission to amend the site plan through a change of conditions to allow for the construction of a single entry way where there are currently two entrances; and

WHEREAS, the application does not propose a change in land uses on the Property and is requested solely to expand upon existing structures in a way not envisioned previously and is not expected to have an adverse impact on surrounding properties or area as a whole; and

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

WHEREAS: A public hearing was held by the Mayor and City Council of the City of Dunwoody as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby **ORDAINS AND APPROVES** the rezoning of this said property from Office-Institution Conditional District (O-Ic) to Office-Institution Conditional District (O-Ic) by removing the required condition of compliance with the June 28, 1977 site plan and instead complying with the following conditions:

- Construction of the Project must substantially comply with the terms and conditions indicated on the supplied site plan, submitted July 23, 2012.
- No land uses are to be enabled or restricted in any manner that alters DeKalb County previously approved land uses.

The City of Dunwoody Zoning Map shall be changed to reflect said rezoning.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2012.

Approved by:

Approved as to Form and Content

Michael G. Davis, Mayor

Acting City Attorney

#L.5.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2012-XX-XX

Attest:

Sharon Lowery, City Clerk

SEAL

CITY OF DUNWOODY
August 9, 2012
COMMUNITY COUNCIL MINUTES

The Community Council of the City of Dunwoody held a Meeting on August 9, 2012 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Clayton Coley, Chairman
 Susan Harper, Vice Chairman
 Stephen Barton, Community Council Member
 Claire Botsch, Community Council Member
 Rick Callihan, Community Council Member
 Tony Delmichi, Community Council Member
 Norb Leahy, Community Council Member

Also Present: Steve Dush, Community Development Director
 Howard Koontz, City Planner
 Becca Timms, Development Coordinator

A. CALL TO ORDER

Susan Harper called the meeting to order.

B. ROLL CALL

All members were present except for Clayton Coley and Claire Botsch.

C. MINUTES

1. Approval of Meeting Minutes from July 12, 2012 Community Council Meeting.

Norb Leahy motioned to approve, Rick Callihan seconded.

The motion was voted and Passed (5 - 0)

Tony Delmichi inquired about the detail of meeting minutes.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Zoning Code Rewrite Update.

Steve Dush gave an update on the Zoning Code Rewrite.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 12-101: Pursuant to the City of Dunwoody Zoning Ordinance, Walton Ashwood, LLC, owner of 1000 Ashwood Parkway, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Institution Conditional (O-Ic) to allow for a change of previous conditions.

Susan Harper introduced the item.

Howard Koontz summarized the application.

Susan Harper opened public comment.

David Knight, principal owner of Walton Ashwood, LLC introduced and spoke in favor of the request.

Susan Harper closed the public comment.

The Council asked questions of staff and the applicant.

Stephen Barton motioned to approve, Rick Callihan seconded.

The motion was discussed.

The motion was voted and Passed (5 - 0)

2. RZ 12-102: Pursuant to the City of Dunwoody Zoning Ordinance, Charles P. Stephens, owner of 1725 Mount Vernon Road, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Institution Conditional (O-Ic) to allow for a change of previous conditions.

Susan Harper introduced the item.

Howard Koontz summarized the application.

Susan Harper opened public comment.

Bill Grant, representative on behalf of the applicant, introduced and spoke in favor of the request.

Susan Harper closed the public comment.

The Council asked questions of staff and the applicant.

Rick Callihan motioned to approve, Tony Delmichi seconded.

The motion was voted and Passed (5 - 0)

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMUNITY COUNCIL COMMENT

J. ADJOURN

Approved by:

Chairman

Attest:

Secretary

CITY OF DUNWOODY
September 11, 2012
PLANNING COMMISSION MINUTES

The Planning Commission of the City of Dunwoody held a Meeting on September 11, 2012 at 7:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Bob Dallas, Chairman
 Paul Player, Vice Chairman
 Kirk Anders, Commission Member
 Don Converse, Commission Member
 Tom Dwyer, Commission Member
 Bill Grossman, Commission Member

Also Present: Steve Dush, Community Development Director
 Howard Koontz, City Planner
 Rebecca Keefer, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present except Renate Herod.

C. MINUTES

1. Approval of Meeting Minutes from August 14, 2012 Planning Commission Meeting.

Commission Member Don Converse motioned to approve. Commission Member Paul Player seconded.

The motion was voted and Passed (6 - 0)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Zoning Code Rewrite Update (Steve Dush).

Steve updated the Planning Commission on the Code Rewrite and notified the group of the upcoming release of Module 2 and its associated public meeting.

Howard informed the Commission that the 10-9 meeting is canceled.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. RZ 12-101: Pursuant to the City of Dunwoody Zoning Ordinance, Walton Ashwood,

LLC, owner of 1000 Ashwood Parkway, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Institution Conditional (O-Ic) to allow for a change of previous conditions.

Howard introduced the item and recommended approval of the rezoning, as conditioned in the staff memo.

Bob Dallas opened the Public Hearing.

Pete Hendrix, applicant, spoke in favor of the application.

David Knight spoke in favor of the application. He clarified that the complex will continue to pursue workforce housing through marketing techniques.

No one spoke in opposition.

Bob Dallas closed the Public Hearing.

Members of the Commission asked questions of the applicant.

Commission Member Tom Dwyer motioned to approve with staff conditions. Commission Member Don Converse seconded.

The motion was voted and Passed (5 - 1). Bill Grossman was the dissenting vote.

2. RZ 12-102: Pursuant to the City of Dunwoody Zoning Ordinance, Charles P. Stephens, owner of 1725 Mount Vernon Road, seeks permission to rezone property currently zoned Office-Institution Conditional (O-Ic) to Office-Institution Conditional (O-Ic) to allow for a change of previous conditions.

Howard introduced the item and recommended approval with the two conditions as presented in the staff memo.

Bob Dallas opened the Public Hearing.

Bill Grant spoke in favor of the application.

There was no one to speak in opposition.

Bob Dallas closed the Public Hearing.

Commission members asked questions of staff.

Commission Member Kirk Anders motioned to approve with staff recommendations. Commission Member Paul Player seconded.

The motion was voted and Passed (6 - 0)

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMISSION COMMENT

Members of the Commission asked questions of staff.

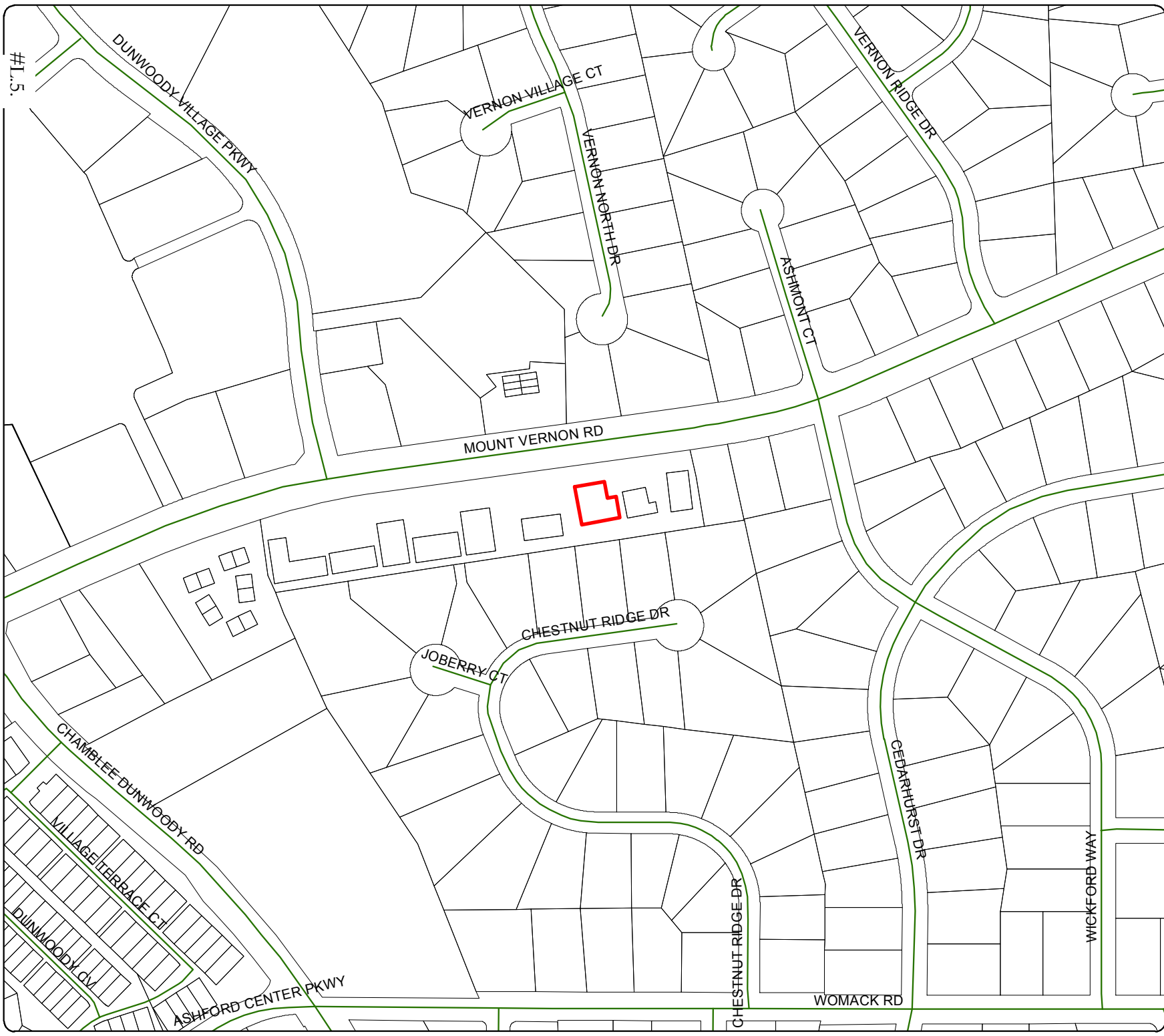
J. ADJOURN

Approved by:

Chairman

Attest:

Secretary



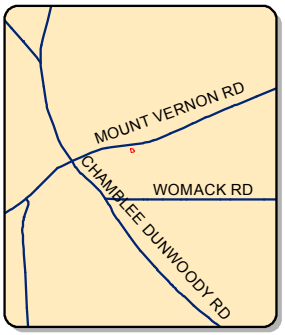
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Dunwoody
*Smart people - Smart city
Community Development
41 Perimeter Center East | Dunwoody, Georgia 30346-1902
Suite 250
678-382-6800 ~ www.dunwoodyga.gov

1725 Mount Vernon Road
RZ 12-102
August 2012

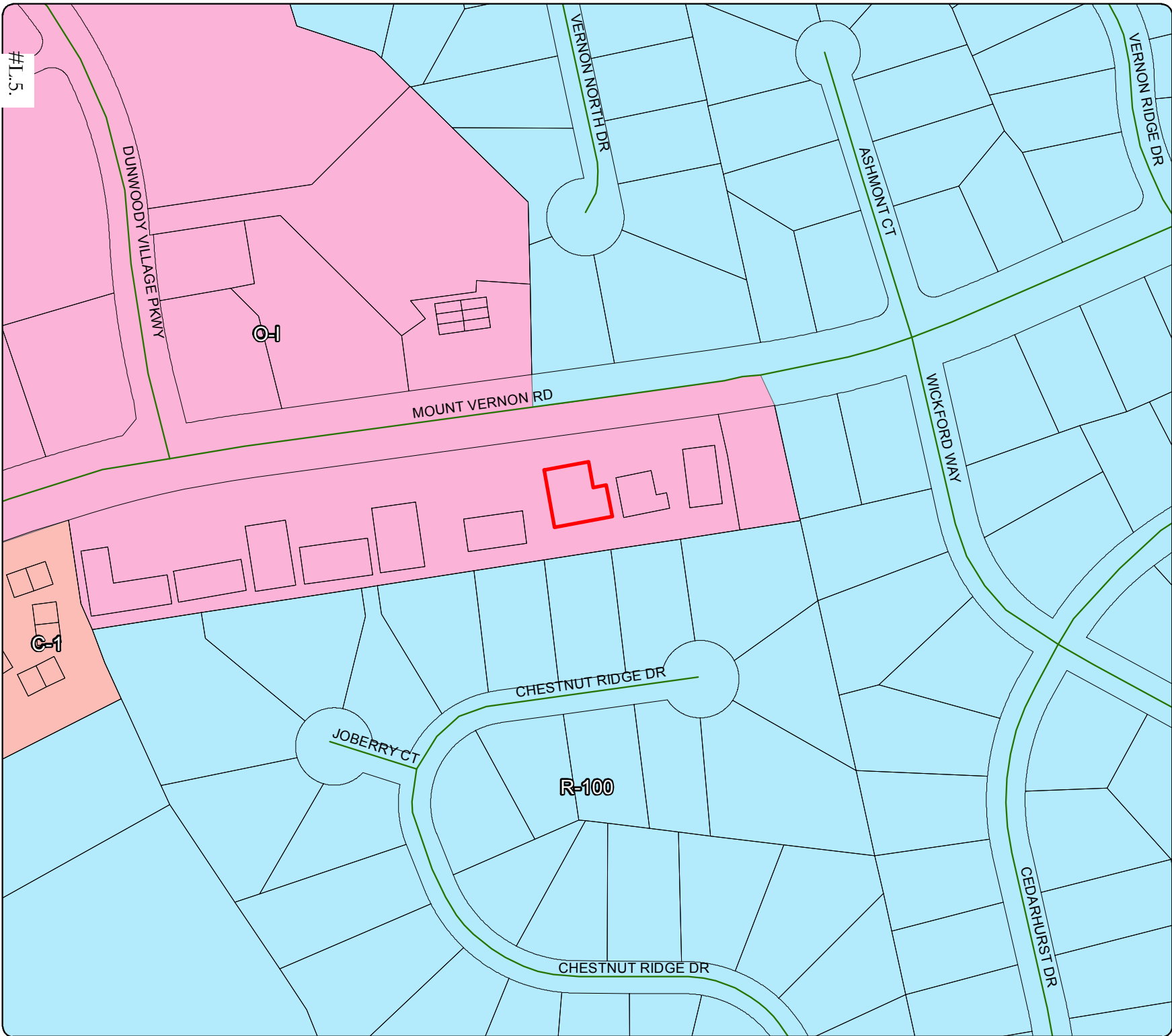
Legend
— Street Centerlines
□ Tax Parcels

Scale: 1" = 300'
(1:3600)



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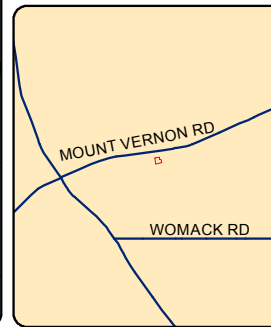
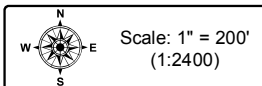


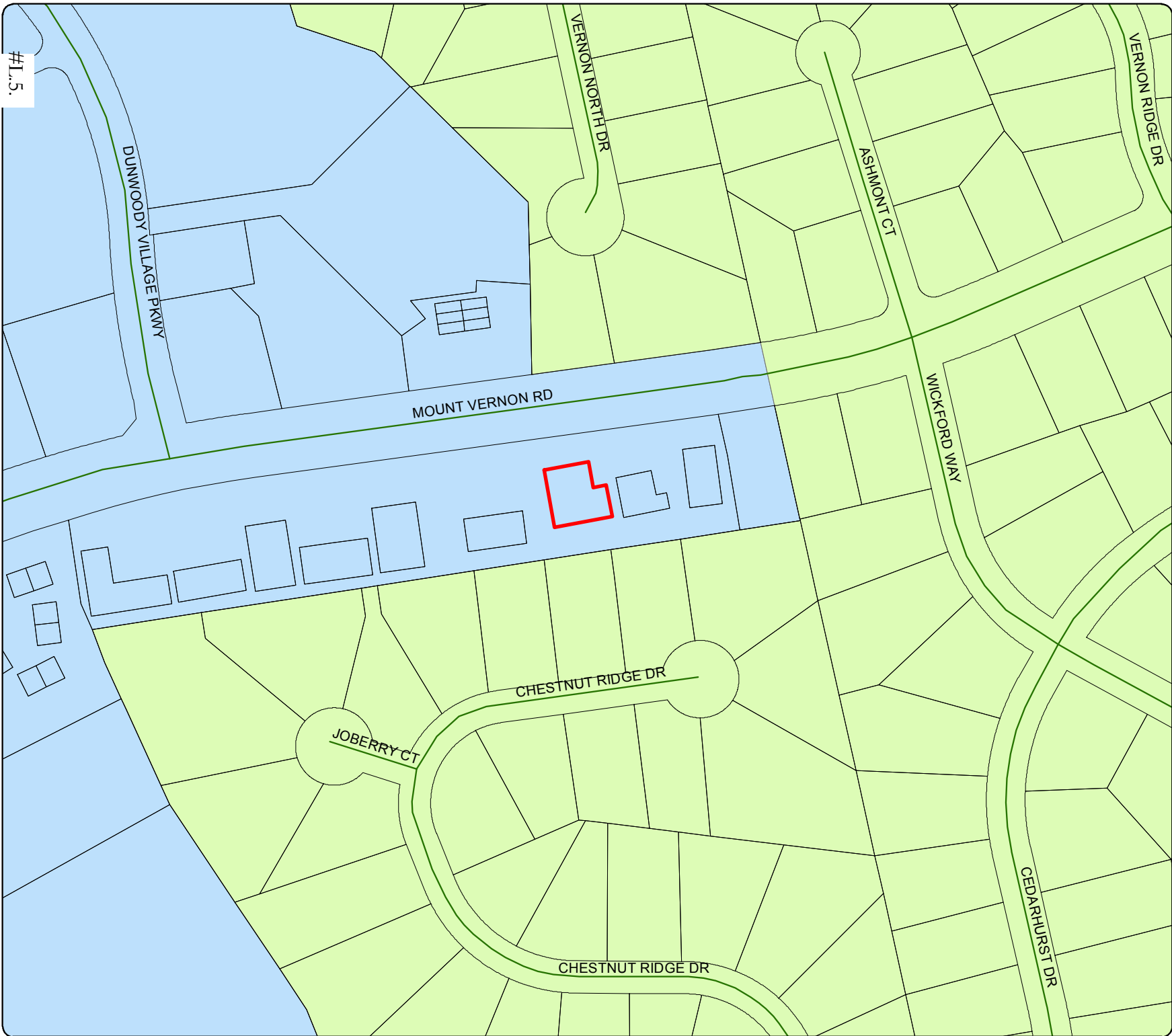
**1725 Mount
Vernon Road**

Zoning

RZ 12102

- Legend**
- Street Centerlines
 - Tax Parcels
- City Zoning**
- DISTRICT**
- General Commercial
 - Industrial
 - Local Commercial
 - Multi Family Residential
 - Multi-Family Residential
 - Neighborhood Shopping
 - Office-Commercial-Residential
 - Office-Distribution
 - Office-Institution
 - Office-Institution-Transitional
 - Pedestrian Community
 - Residential Community Development
 - Single Family Cluster Residential
 - Single Family Residential



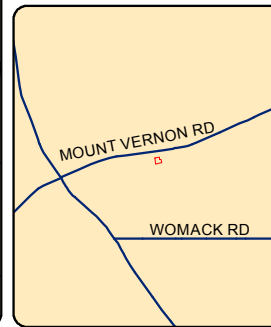
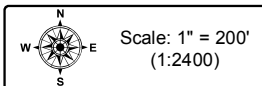


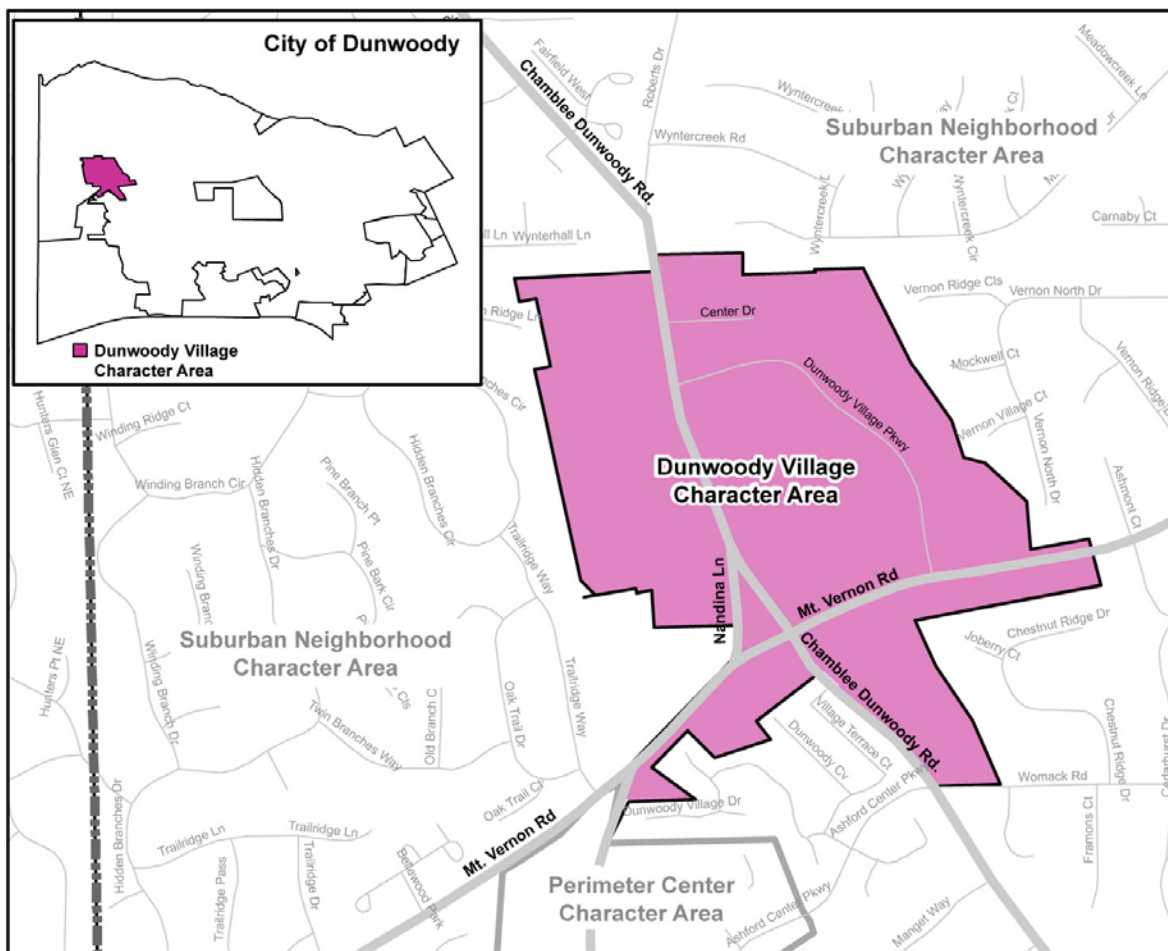
**1725 Mount
Vernon Road**

Future Land Use

RZ 12102

Legend	
	Street Centerlines
	Tax Parcels
Future Land Use	
Name	
	Community Facility/Water Treatment
	Dunwoody Village
	Georgetown-Shallowford Road
	Institutional/Campus
	Jett Ferry Gateway
	Multi-Family/Mixed-Use
	Office
	Perimeter Center
	Residential
	Tilly Mill Gateway
	Winters Chapel Redevelopment Area





Dunwoody Village has historically been the “heart” of Dunwoody. A master planning process will have established a detailed vision for this center of the community, focused on pedestrian and bicycle amenities, public functional green space, traffic calming, architectural controls, connectivity and place making. A sense of history will add to the charm and sense of place. This area will offer a “village green” with civic activities and amenities, and redevelopment will draw community members to shopping, dining and entertainment. Furthermore, redevelopment should have a residential component for day and evening activity to foster community. The design should embody the unique character of Dunwoody. The marker or unifying signifier (whether a “logo” or other identifier) that the City creates for itself and employs at gateways should be hallmarked in the Dunwoody Village in a distinctive, prominent way.



Future Development

- Height:** Up to 3 stories, but allow potentially up to 5 at intersections if and only if a unique project is proposed with architecturally distinct features, innovative parking solutions (covered decks, underground parking, or alternatives) and functional spaces for public use. A 5-story building would only be considered at the core of the Village; the boundary properties of the Dunwoody Character Area will not be appropriate if greater than two stories
- Form:** Master planned design, high quality building materials, civic amenities, integrated open space and appropriate transitions from greater to less intense uses. The periphery of the character area will include an exceptional, large transitional area to adequately protect single-family residential and other residential homes in the area
- Use:** Mixed-Use (combined office, retail and residential where residential is located only on the second floor or above) up to 12 units to the acre, although age-restricted projects would be granted consideration for additional densities; live-work units, civic institutional, community retail (not greater than 50,000 square feet), local and unique business, boutique retail, public assembly and entertainment. Additional density is allowable, if and only if, the nature of the mixed-use development provides exceptional opportunities for creating a high quality community



FIGURE 9: Dunwoody Village will feature buildings close to the street, an active pedestrian zone with bicycle options that are safe and inviting.



Goals

- Land use
 - Create an active community center with public places to gather, following a master planning process that potentially supports a redevelopment investment program
 - Through the Master Plan process, establish way-finding or landmark features that unify the Village and can be used across the City, if a way-finding or gateway plan does not already exist for the greater City as a whole
 - Master Plan should consider shadowing effects of taller buildings and appropriately regulate to not visually impose on adjacent single-family residents
 - Implement the Dunwoody Village Overlay and review regularly to ensure enforcement meets intent of overlay and Character Area vision
- Transportation and circulation
 - Creatively address the parking and congestion that new local activity may generate
 - Master Plan process will identify solutions for structural parking
 - Establish bicycle network for new connectivity throughout the City so that “all roads lead to the Village”
 - Establish infrastructure thresholds that new development must meet
- Community Facilities
 - Pursue site location evaluation and financing plan locating City Hall, Police and other civic functions, including options for joint public-private partnership
 - Create venues for cultural events like music and create programs for public uses of City Hall and library

Several regional examples of **redevelopment with open space** were referenced during Community Meeting discussions about Dunwoody Village. The City of Smyrna allows higher buildings adjacent to the plaza at the Market Village shown. The City of Dunwoody envisions similar development and rules whereby densities may increase, contingent upon the provision of amenities (open space, plazas, etc) or development features.



City of Duluth



City of Smyrna



City of Suwanee

EXHIBIT "D"ZONING CONDITIONS

1. Fence:

To be constructed on Petitioner's Property of cedar and stone to a level height of eight feet, with stone wall base where necessary, along the rear (South) property line of Petitioner's Property; that is, adjacent to the north line of the buffer strip referred to under item 2 below.

2. Fifty foot (+/-) buffer strip shown on Site Plan:

To be cleared by developer with seedling pines planted within fifteen feet (+/-) from Petitioner's above-referenced fence, with the remaining thirty five feet (+/-) to be planted sparsely with dogwood and azaleas; this area to be conveyed to adjoining property owners.

3. Lighting:

Any fixtures on the South side of buildings to be of low intensity of the type primarily utilized for security purposes.

4. All buildings to be of Williamsburg design and similar in color, quality and appearance to the buildings now located in the Dunwoody Village Office Park.

5. The construction of any second floor rear window(s) must be acceptable to the Resident owning the closest lot to the proposed window(s).

6. No exposed concrete block on the foundations or walls of any building.

7. Drainage facilities to be consistent with the requirements of DeKalb County.

8. No parking or motor vehicle access areas of any kind shall be located to the South of Petitioner's buildings. Except for the installation and maintenance of required utilities and drainage facilities, or the installation and maintenance of side walks, patio areas or ground level porches to serve the occupants of the buildings, that portion of Petitioner's Property located South of Petitioner's buildings shall be maintained as an undisturbed natural greenbelt area.

9. That portion of Petitioner's Property which is to be rezoned and developed subject to the above and foregoing conditions is described as follows:

All that tract or parcel of land lying and being in Land Lot 366 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the eastern lot line of Land Lot 366 with the Southeastern right-of-way line of Mount Vernon Road (which right-of-way line is 25 feet from the center line of Mount Vernon Road at this point) and go thence in a Southeasterly direction along the Eastern lot line of Land Lot 366 206.5 feet to a point; thence South 80° 34' West 1100 feet to a point; thence North 24° 11' West 199.2 feet to the Southeastern right-of-way line of Mount Vernon Road; thence Northeasterly along the Southeastern right-of-way line of Mount Vernon Road (which right-of-way line is 25 feet from the center line at this point) 1141 feet to the point of beginning; all as more particularly shown on a survey for James H. Cowart, Inc. by Ruppe Engineering Co., dated March 24, 1977.

STATEMENT OF ZONING CONDITIONS
(for use with conditional zoning amendment only)

Applicant _____

Application # _____

1. Site Plan: ☒ Yes ☐ No

2. Land Use

☐ All district uses

☒ Specific use(s) as described below:

Business and professional offices

3. Density

☒ Not applicable

☐ Maximum density of district requested

☐ Modification of density as described below:

4. Timing of Development

☐ No limitation

☒ Limitations as described below:

Redevelopment of property shall be in accordance with concept plan.

Existing structures may be used for residences only prior to re-development.

5. Development Standards

☐ Building height maximum of district requested

☒ Limitation of building height as described below:

Maximum heights not to exceed two stories.

☐ Minimum buffer requirements of district requested

☒ Variation of buffer requirements as described below:

40 foot ~~buffer~~ ^{/bldg. set back} on East property line; 25 foot ~~buffer~~ ^{/bldg. set back} on South

property line except where 5' ~~buffer~~ ^{bldg set back} is shown on site plan.

5. Development Standards (continued)

- ☒ Minimum yard requirements of district requested
- ☐ Variation of minimum yard requirements as described below:

☐ Minimum standards of access

☒ Limitation of points of access as described below:

Property to be developed in stages with one curb cut per stage
subject to approval of planning department.

6. Drainage Plan: ☐ Yes ☒ No

7. Road Improvements

☒ Yes as described below: ☐ No

1. Dedication of right-of-way - 50 feet from center line of Mt.
Vernon Road.

2. Pavement widened to 24 feet from center line with redevelopment.

3. Sidewalks built along Mt. Vernon with redevelopment. Location to
be determined by Traffic Engineer.

8. Other Conditions

☒ Yes as described below: ☐ No

1. Architecture of new buildings to be of Williamsburg residential
design.

2. Parking and service areas for office buildings to be in front or
side yards but no closer than 5 feet to future right-of-way.

3. Floor area ratio not to exceed 0.5. of all buildings not to exceed
50,000 square feet in the aggregate.

4. 10% parking space variance requested.

Applicant's Acknowledgement

I have reviewed that portion of the Zoning Ordinance pertaining to Amendments and acknowledge that the conditions contained in this Statement are acceptable as conditionally binding upon development and use of this property should the map amendment be approved.

Date: _____

Applicant: _____

Exhibit "D", page 3.

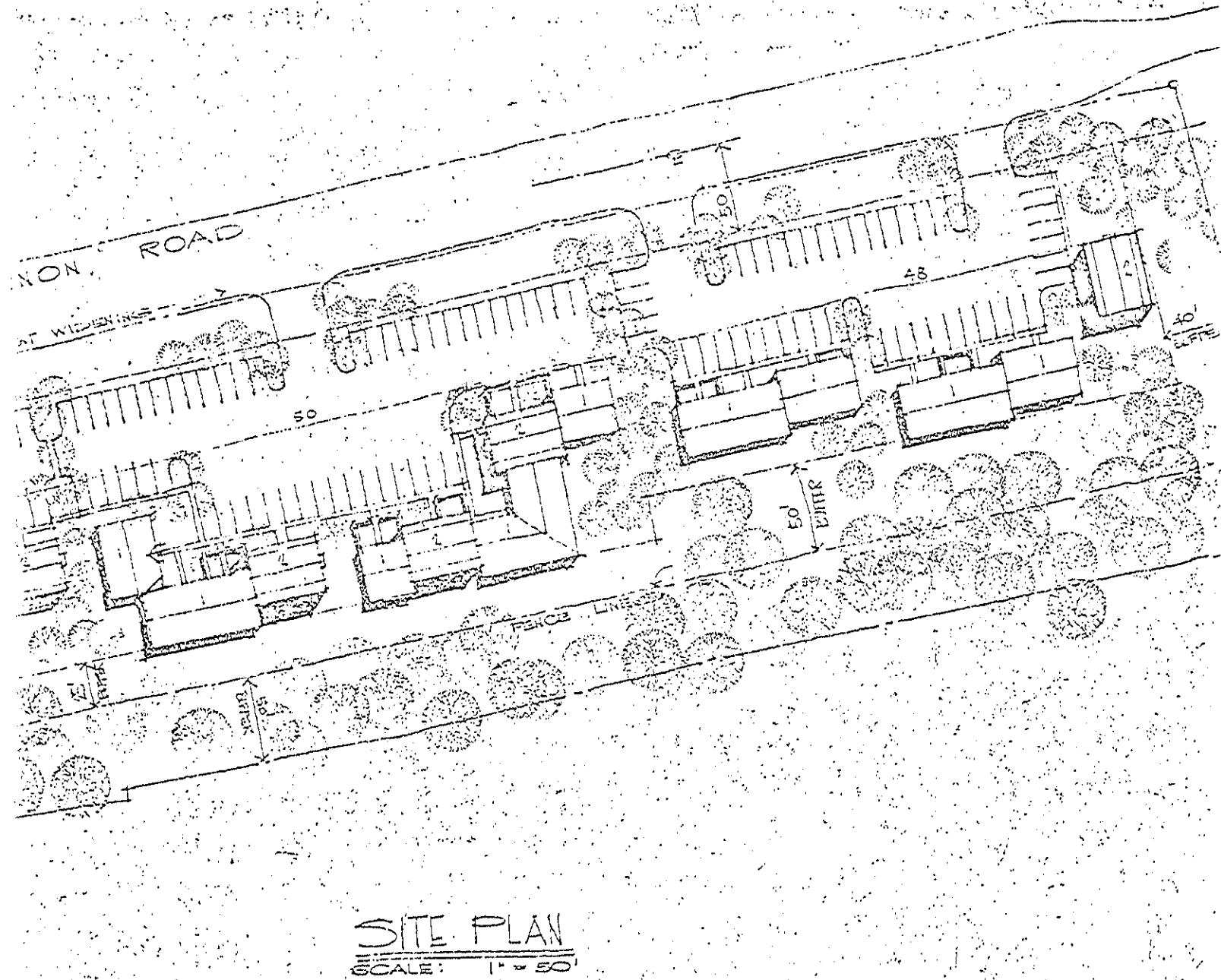


Exhibit "C", page 2 ct'd.

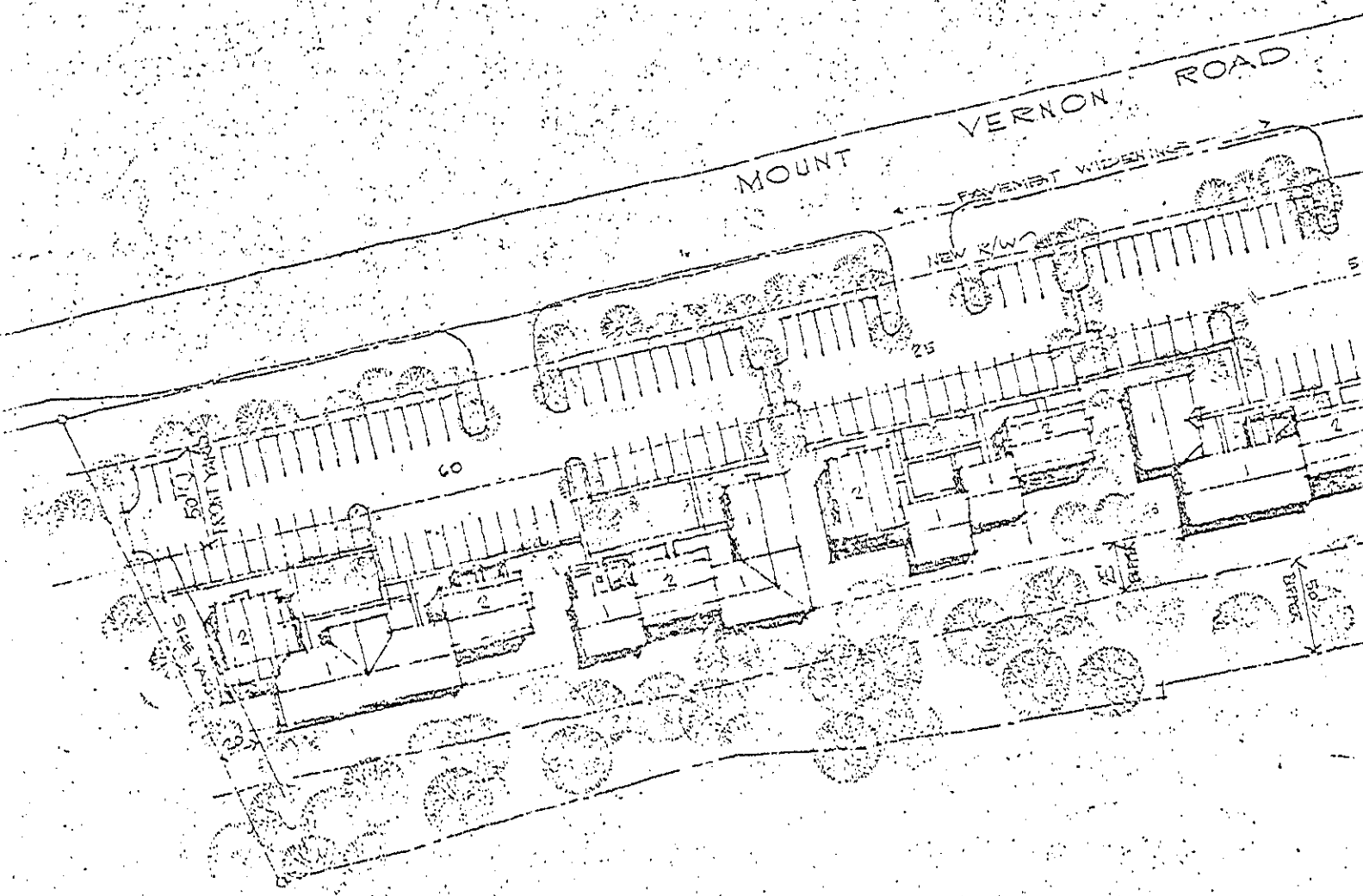


EXHIBIT "C", page 2

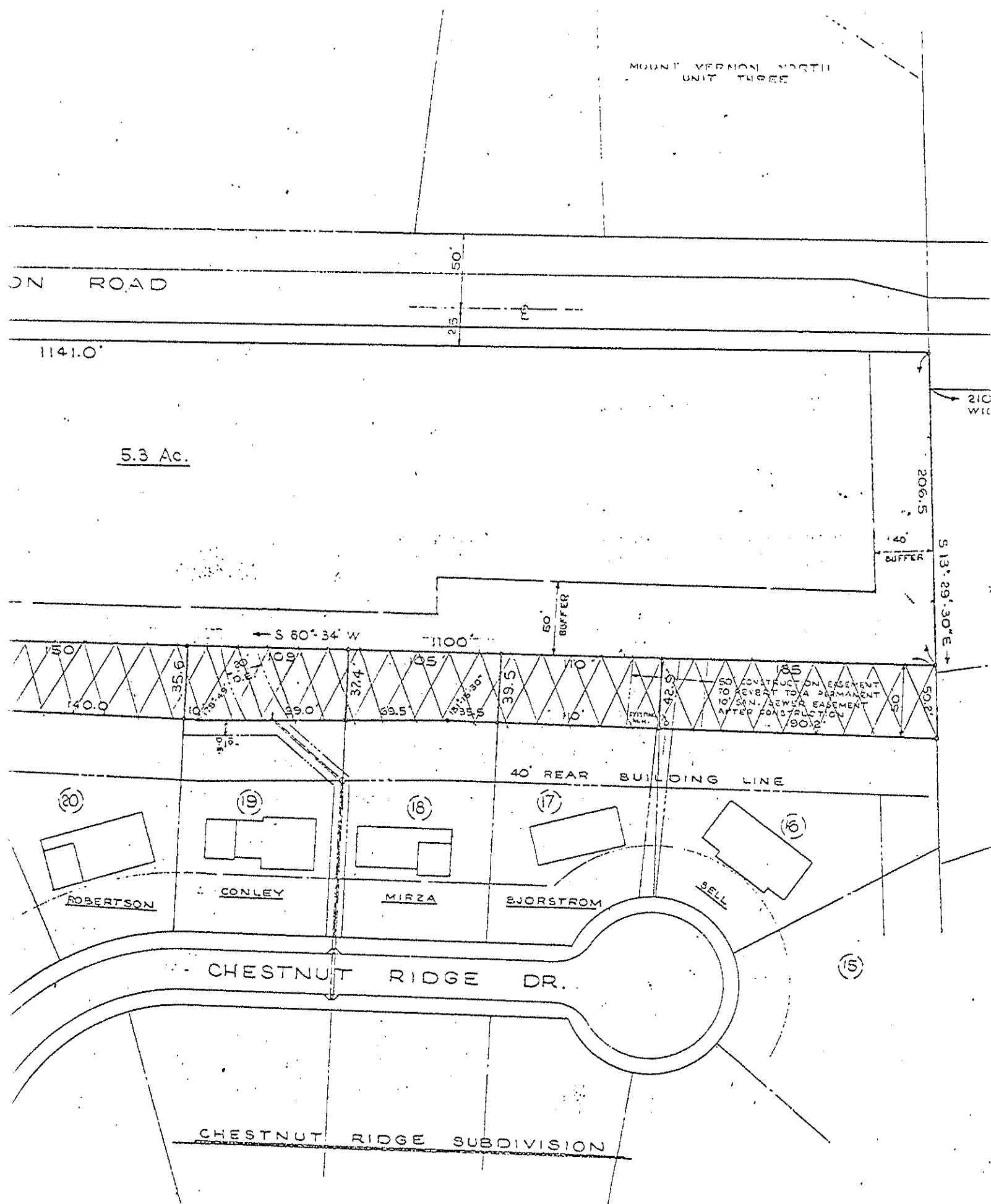
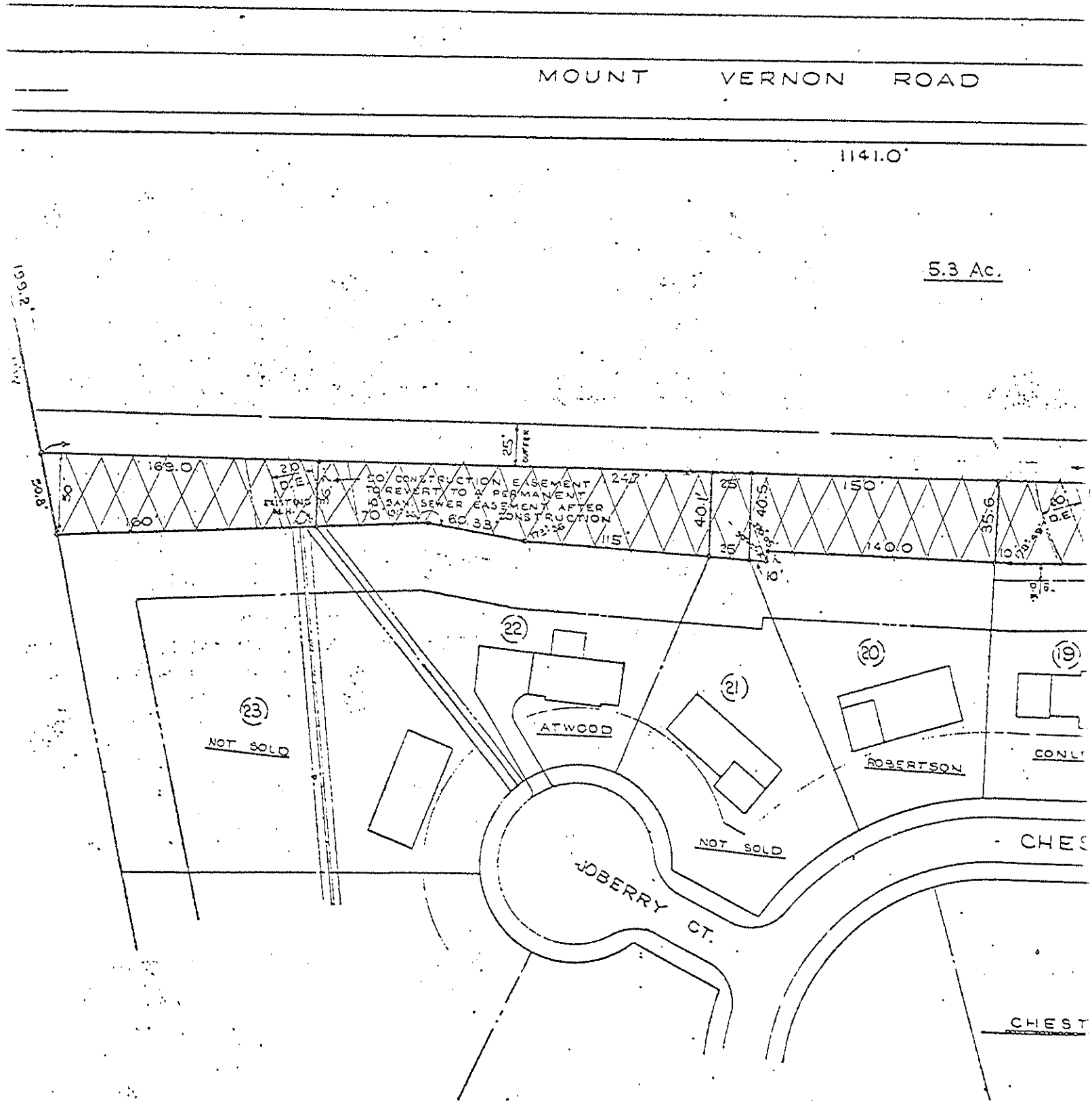
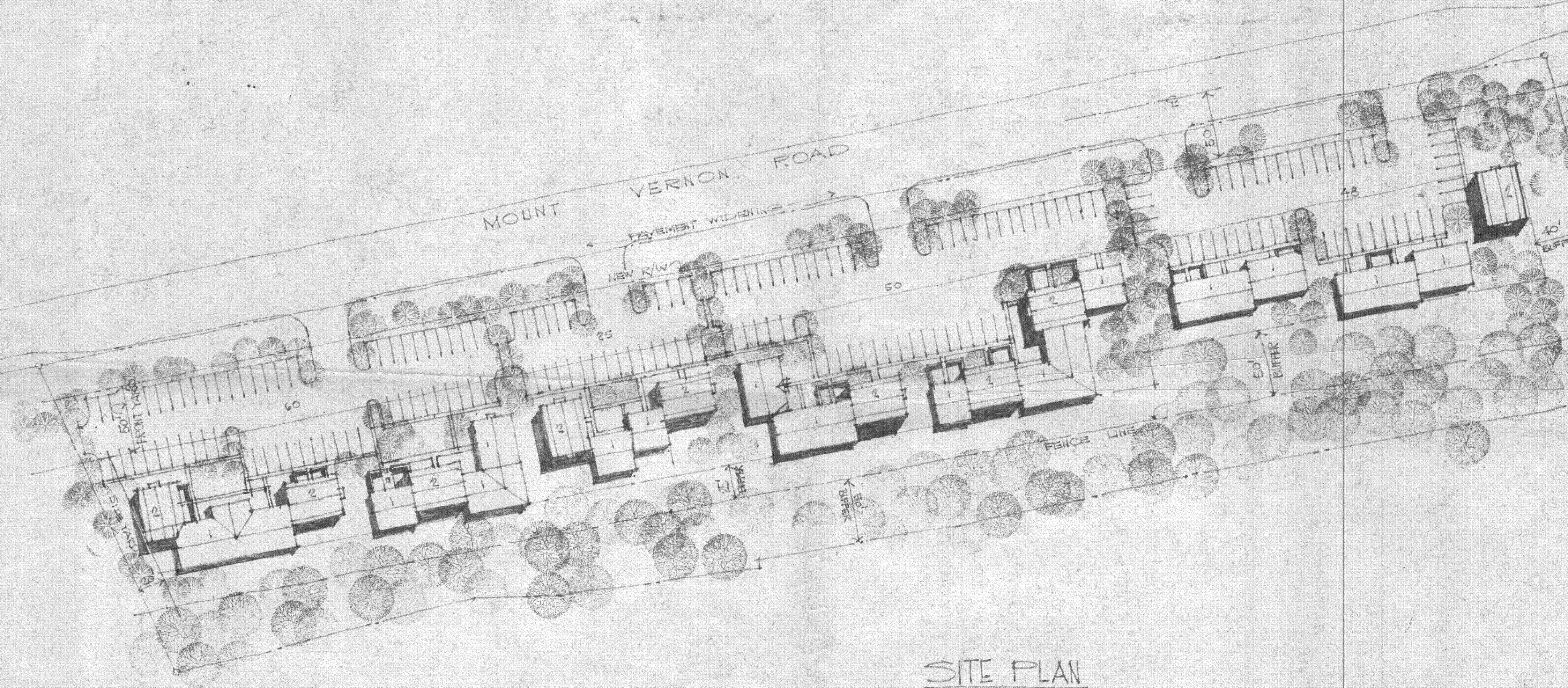
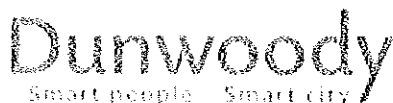


EXHIBIT "C"





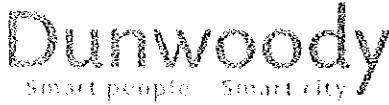
SITE PLAN
SCALE: 1" = 50'



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

Rezoning Application

Applicant	Name: CHARLES P. STEPHENS
	Address: P.O. BOX 2100, PEACHTREE CITY, GA. 30269
	Phone: 770-487-7945 Fax: 770-487-0840 Email: pick@paschall.com
Property Owner	Owner's Name: STEPHEN'S WAREHOUSE INC. & tmuirhead@gmail.com
	Owner's Address: P.O. BOX 2100, PEACHTREE CITY, GA. 30269
	Phone: SAME AS ABOVE Fax: SAME AS ABOVE Email: SAME AS ABOVE
Property Information	Property Address: 1725 Mount Vernon Road Parcel ID: 18 366 05 062 DUNWOODY, GEORGIA
	Current Zoning Classification: O-I (CZ-77062)
	Requested Zoning Classification: O-I AS PER EXISTING CONDITIONS SITE PLAN
	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? YES
Questionnaire	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? YES
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? YES
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? NO
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? YES
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? NO
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? NO
Affidavit	To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance.
	Applicant's Name: STEPHEN'S WAREHOUSE INC. Date: 7/10/12 Applicant's Signature: Charles P. Stephens, President Date: 7/10/12
Notary	Sworn to and subscribed before me this 10 th Day of July, 2012
	Notary Public: DIANNE P. ADCOCK
	Signature: Dianne P. Adcock My Commission Expires: My Commission Expires November 11, 2014



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.

FOR STEPHENS WAREHOUSE INC.

Property Owner (If Applicable)	Signature: <u>Charles P. Stephens, President</u>		Date: <u>7/10/12</u>
	Address: <u>P.O. BOX 2100</u>		City, State: <u>PEACHTREE CITY, GA</u> Zip: <u>30269</u>
	Phone: <u>770-487-7945</u>		
	Sworn to and subscribed before me this <u>10th</u> day of <u>July</u> , 20 <u>12</u>		
	Notary Public: <u>Dianne P. Adcock</u> <u>Dianne P. Adcock</u> Notary Public, Coweta County, Georgia My Commission Expires November 11, 2014		
Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____		City, State: _____ Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		
Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____		City, State: _____ Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: _____		



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

Applicant/Petitioner Notarized Certification

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

FOR STEPHEN'S WAREHOUSE INC.

Applicant / Petitioner	Signature: <u>Charles P. Stephens, President</u>		Date: <u>7/10/12</u>
	Address: <u>P.O. Box 2100</u>	City, State: <u>PEACHTREE CITY, GA</u>	Zip: <u>30269</u>
	Phone: <u>770-487-7945</u>		
	Sworn to and subscribed before me this <u>10th</u> day of <u>July</u> , 20 <u>12</u>		
Attorney / Agent	Notary Public: <u>Dianne P. Adcock</u> <u>Dianne P. Adcock</u>		Notary Public, Coweta County, Georgia My Commission Expires November 11, 2014
	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
Sworn to and subscribed before me this _____ day of _____, 20 _____			
Notary Public: _____			



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

FOR STEPHENS WAREHOUSE INC.

Applicant / Owner	Signature: <u>Charles L. Stephens, President</u>
	Address: <u>P.O. Box 2100, PEACHTREE CITY, GA 30269</u>
	Date: _____

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

Date	Government Official	Official Position	Description	Amount

LETTER OF INTENT FOR REZONINGDate: July 12, 2012Property Name: PNC Bank BuildingProperty Address: 1725 Mount Vernon Road, Dunwoody, Georgia 30338Owner: Stephens Warehouse Inc.Applicant: Charles P. Stephens, President of Stephens Warehouse Inc.

The above mentioned building is part of a commercial property know as Mount Vernon Square. Mount Vernon Square is organized as a business condominium. The condominium association owns the common property surrounding the nine buildings located thereon. The individual buildings are owned by various members of the condominium association.

The applicant is a long time Dunwoody resident . The building is currently leased to PNC Bank. The applicant wants to modify and improve the covered front porch, entrance doors located on this porch and the walks and landscaping in the immediate area.

Originally the building was constructed to house two businesses that were entered from the front porch. There are currently two separate entrance doors on the front porch of the building. For several years these entrances have been used by a single business, a bank. The applicant feels that it would be desirable to consolidate the two separate doors into a single double door entrance and to modify the front porch to make it a few feet deeper and to modify the curbing and paving immediately in front of the covered porch. These modifications would add landscaping beds which are consistent with the rest of Mount Vernon Square. The applicant feels that the proposed modifications would enhance the aesthetics of the building and benefit PNC Bank, Mount Vernon Square and the Dunwoody community.

The front of PNC Bank Building is located the nearest to the front property line of all of the buildings in Mount Vernon Square, and is the only building which extends over the front zoning setback.

The front face of the PNC Bank building extends between 6 to 8 inches into the defined zoning front yard setback. The existing front porch of the building extends approximately 5' into the front yard setback. Any modifications to either the front wall of the building or the front porch could increase a non-conforming condition. The parking lot driveway and curbing come to within 12" of the low brick wall that is the front of the covered porch of this building, with the result that there is no room for any landscaping to be placed between.

All of the other buildings on the property are behind the 50' front yard setback. Where covered entrance porches are on the front of the buildings, the distances between the front property line and that the front stoop of the porches on the other buildings vary between 55' to over 100', typically this additional space is generously landscaped.

The applicant requests a rezoning of the property to reflect existing conditions and to establish a front yard setback to allow the replacement of two single entry doors on the front wall of the building with a

one double entry door within the existing front building wall. The applicant is also requesting that the front setback be modified conditionally to allow the construction of a new front porch with the front face of the porch stoop and porch beam structure above being allowed to be placed a distance no less than 42' behind the front property line. The roof overhang and gutter would extend into the conditional porch front setback no greater than 20". The side to side width of the new porch would remain the same as the existing porch.

The resulting changes allowed by the rezoning would not change the distance between the building and the front property line, because the front wall of the building would remain in the same location. The porch is mostly open space and the increase in depth of approximately 34" would not be a noticeable change over the 65' distance between the road curbing along Mount Vernon Road and the new front porch of the building. The addition of landscaping in front of the porch would more consistent with adjacent buildings. The overall effect of the changes would be a positive change for the building, adjacent building and the community.

The rezoning request is a result of all of the following conditions:

1. By reason of the exceptional closeness of the front of the building to the front property line, the strict application of the front yard setback would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district.
3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district.
4. The literal interpretation and strict application of the front yard setback would cause undue and unnecessary hardship on the building owner.
5. The requested variance would improve the appearance of the property and would be consistent with the spirit and purpose of the City of Dunwoody Comprehensive Plan.
6. Although economic considerations may be taken into consideration as a hardship, they are not the sole criteria upon which the applicant seeks this variance.
7. The conditional site plan that was approved when the property was re-zoned by CZ-77062 was a preliminary plan and the buildings and parking lot that were constructed varied from the approved plan. The purpose of the re-zoning would be to record the building and parking lot as they exist and to allow for the proposed front porch and building entrance remodeling.

LEGEND

IPF	IRON PIN FOUND	CMF	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	OHUL	OVERHEAD UTILITY LINE(S)
CT	CRIMP TOP PIN	SMH	SEWER MAN HOLE
RB	REINFORCING BAR	MHT	MAN HOLE TELEPHONE
CL	CENTERLINE	CB	CATCH BASIN
R/W	RIGHT-OF-WAY	JB	JUNCTION BOX
LL	LAND LOT	DI	DROP INLET
L	LINE	LLL	LAND LOT LINE
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C	CURVE	ROP	REINFORCED CONCRETE PIPE
CO	CLEAN OUT	CD	CROSS DRAIN
PP	POWER POLE	SSE	SANITARY SEWER EASEMENT
SP	SERVICE POLE	DE	DRAINAGE EASEMENT
GV	GAS VALVE	FH	FIRE HYDRANT
GM	GAS METER	WV	WATER VALVE
LP	LIGHT POLE	WM	WATER METER
SS	SANITARY SEWER	PC	POINT OF CURVE
N&C	NAIL & CAP	POB	POINT OF BEGINNING
FC	FENCE CORNER	POC	POINT OF COMMENCEMENT
-X-X-	FENCE	PI	POINT OF INTERSECTION
M	MEASURED	D	DEED
P	PLAT	IPP	IRON PIN PLACED (1/2" REBAR)

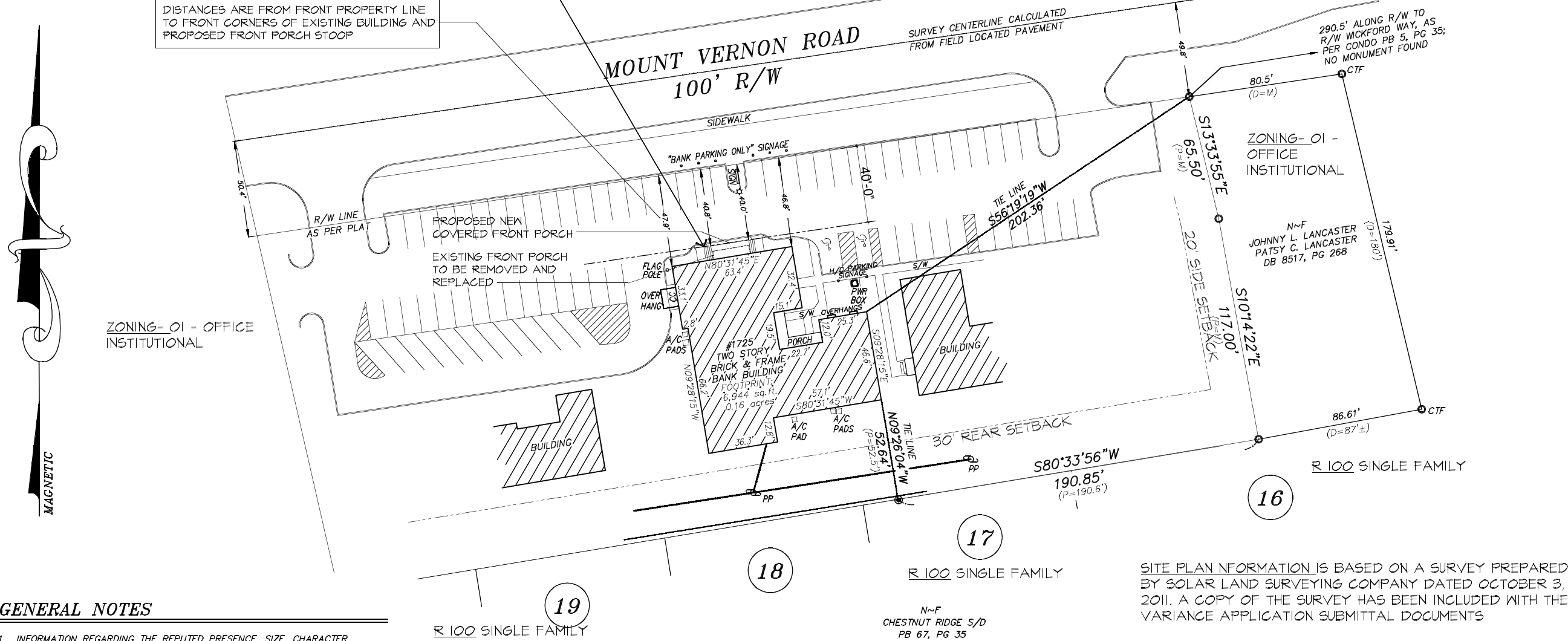
40'-0" PROPOSED FRONT YARD
SETBACK TO ALLOW
CONSTRUCTION OF PROPOSED
COVERED FRONT PORCH

SEE SHEETS #2-4 FOR ARCHITECTURAL SHEETS SHOWING DETAILS
OF PROPOSED NEW PORCH AND RELATED AREA



VICINITY MAP - NOT TO SCALE

EXISTING ZONING OF SUBJECT PARCEL -
OI - OFFICE INSTITUTIONAL
CONDITIONAL
TO SITE PLAN

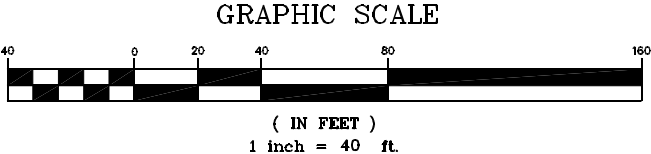


GENERAL NOTES

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. NO VISIBLE EVIDENCE OF A CEMETERY FOUND
5. BEARINGS BASED ON MAGNETIC NORTH OBSERVATIONS AS NOTED IN CONDO PLAT BOOK 5, PAGE 35
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST.

PNC BANK SITE PLAN - EXISTING CONDITIONS WITH PORPOSED PORCH REMODEL
1" = 40'-0"

LEGAL DESCRIPTION: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 366 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING CONDOMINIUM UNIT NO. 1725 MOUNT VERNON SQUARE, PHASE I AND II, AS SHOWN ON PLAT PREPARED BY RUPPE ENGINEERING CO. INC., DATED JULY 8, 1983, RECORDED IN CONDOMINIUM PLAT BOOK 5, PAGE 35, DEKALB COUNTY RECORDS, AND AS CREATED BY DECLARATION OF CONDOMINIUM OF MT. VERNON SQUARE, A CONDOMINIUM, AS RECORDED IN DEED BOOK 4803, PAGE 34-65, DEKALB COUNTY RECORDS; TOGETHER WITH ALL RIGHT, TITLE AND INTEREST IN AND TO THE COMMON AND LIMITED COMMON ELEMENTS OF MT. VERNON SQUARE CONDOMINIUM; AND BEING KNOWN AS 1725 MOUNT VERNON ROAD, DUNWOODY, GEORGIA 30338.



Terry Muirheid Architect

1433 Brawley Circle, Atlanta, Georgia 30319 404 886-5601

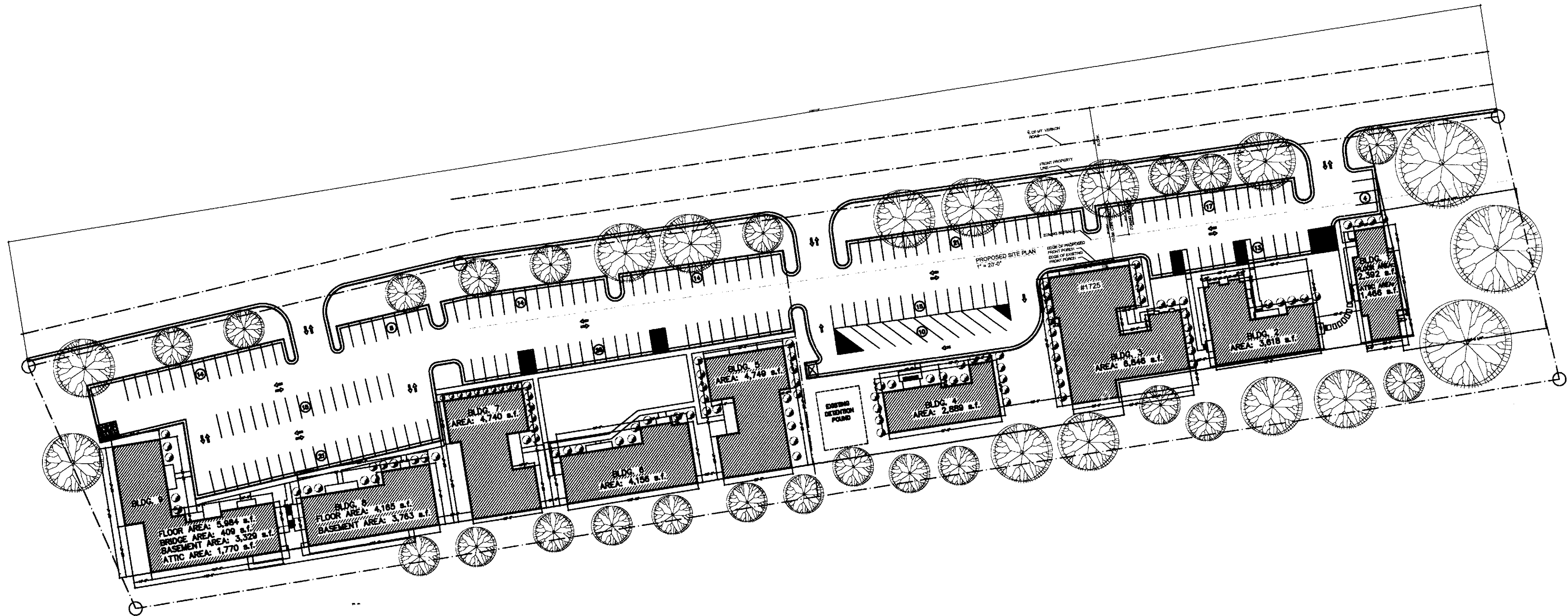
REZONING
APPLICATION
DRAWINGS

PNC BANK PROPOSED FRONT REMODEL
1725 Mount Vernon Road, Dunwoody, Georgia 30338

Date:

7/12/12

Sheet:



① MOUNT VERNON SQUARE SUPPLEMENTAL SITE PLAN SHOWING BUILDING AREAS
15 1" = 60'-0"

SITE PLAN SHOWN FOR REFERENCE ONLY -
ENTIRE PROPERTY IS 237,151.5 S.F. OR
5.44 ACRES

RBC BANK PROPOSED FRONT REMODEL

1725 Mount Vernon Road, Dunwoody, Georgia 30338

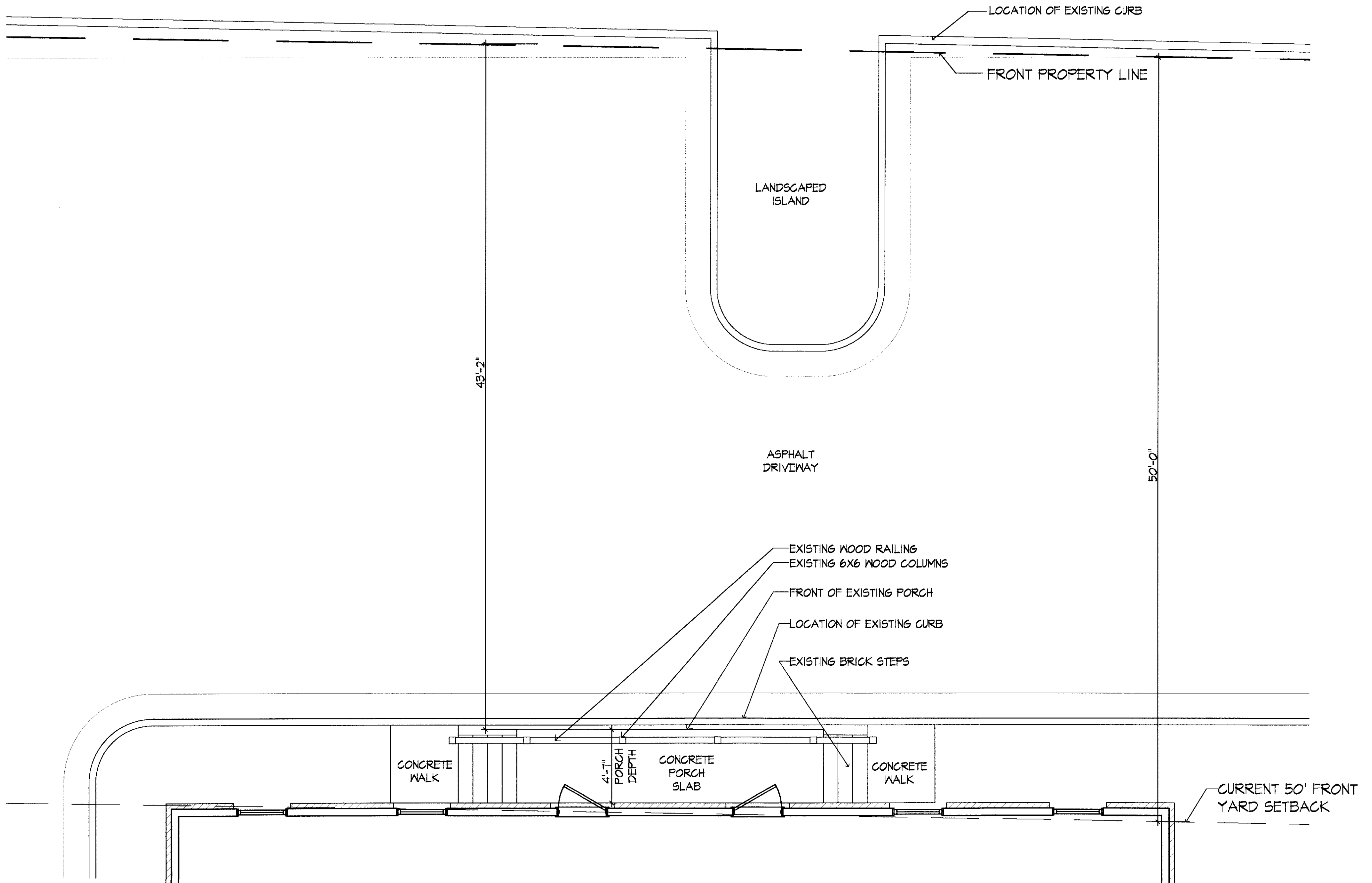
ZONING VARIANCE
APPLICATION
DRAWINGS

Terry Muirheid Architect
1435 Brawley Circle, Atlanta, Georgia 30319 404 886-5601

Date:
11/01/11
Sheet:

5

#I.5.



1 EXISTING FRONT PORCH AREA PLAN
2 1/4" = 1'-0"

Terry Muirheid Architect

1435 Brawley Circle, Atlanta, Georgia 30319 404 886-5601

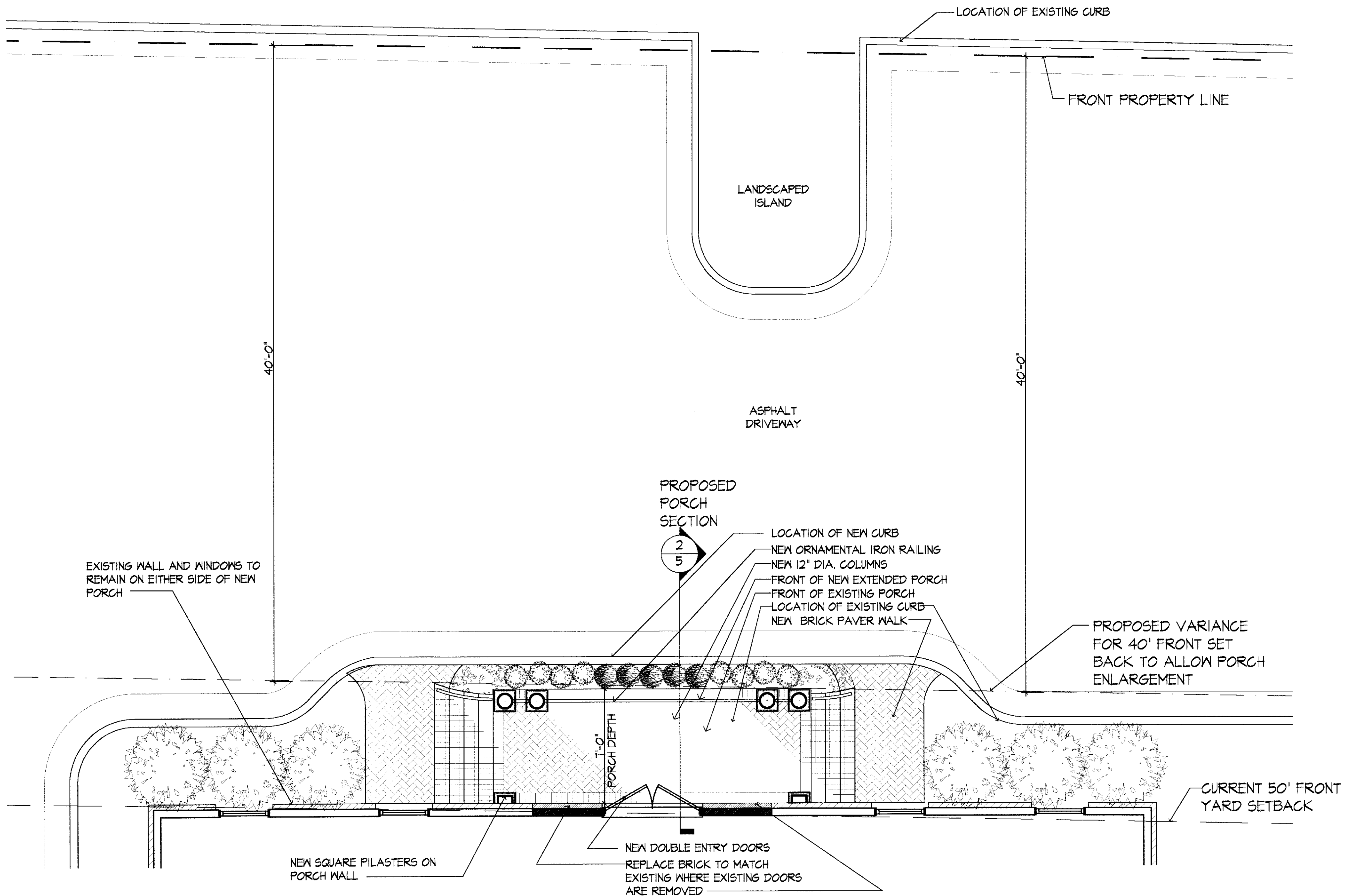
ZONING VARIANCE
APPLICATION
DRAWINGS

RBC BANK PROPOSED FRONT REMODEL
1725 Mount Vernon Road, Dunwoody, Georgia 30338

Date:
11/01/11

Sheet:

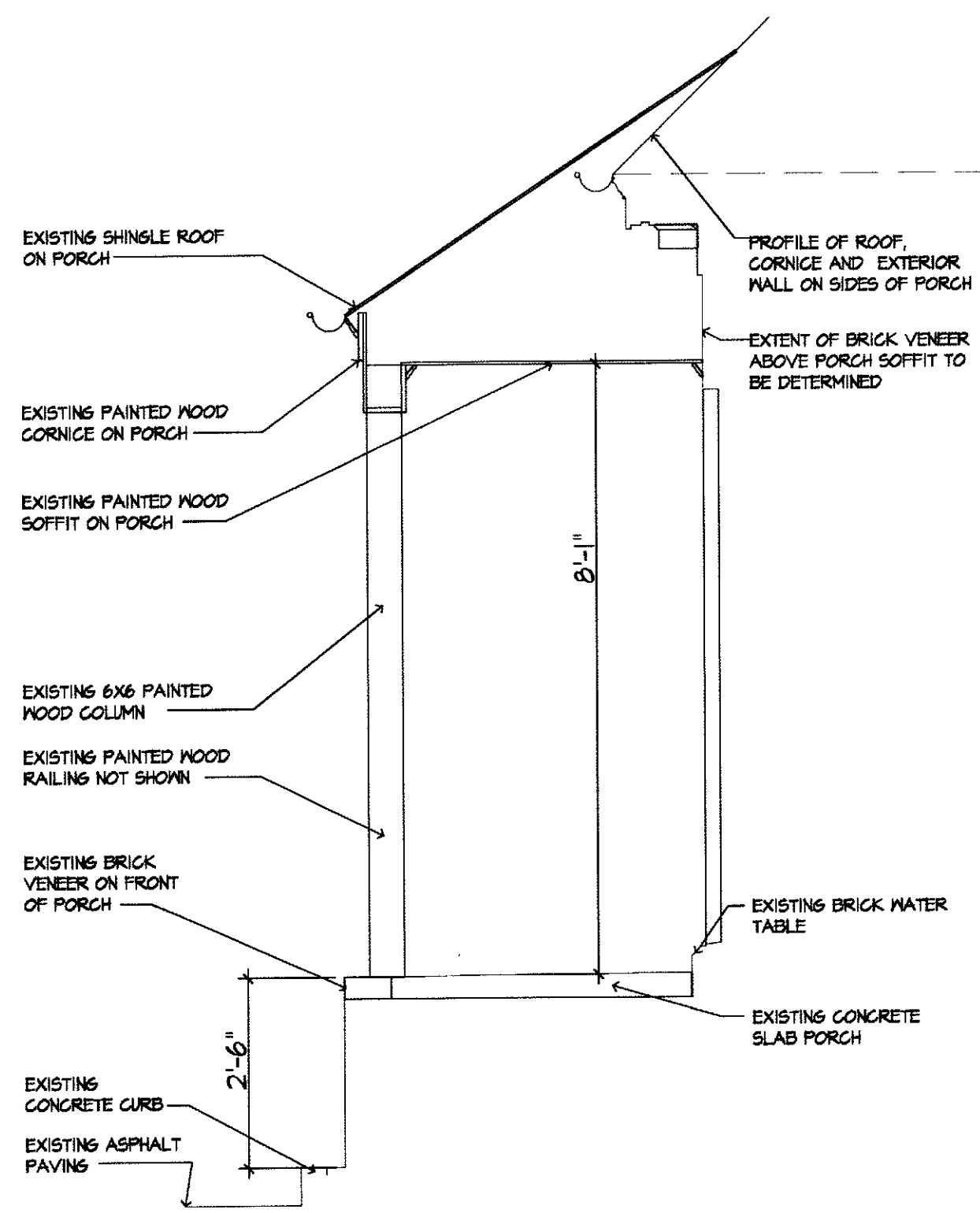
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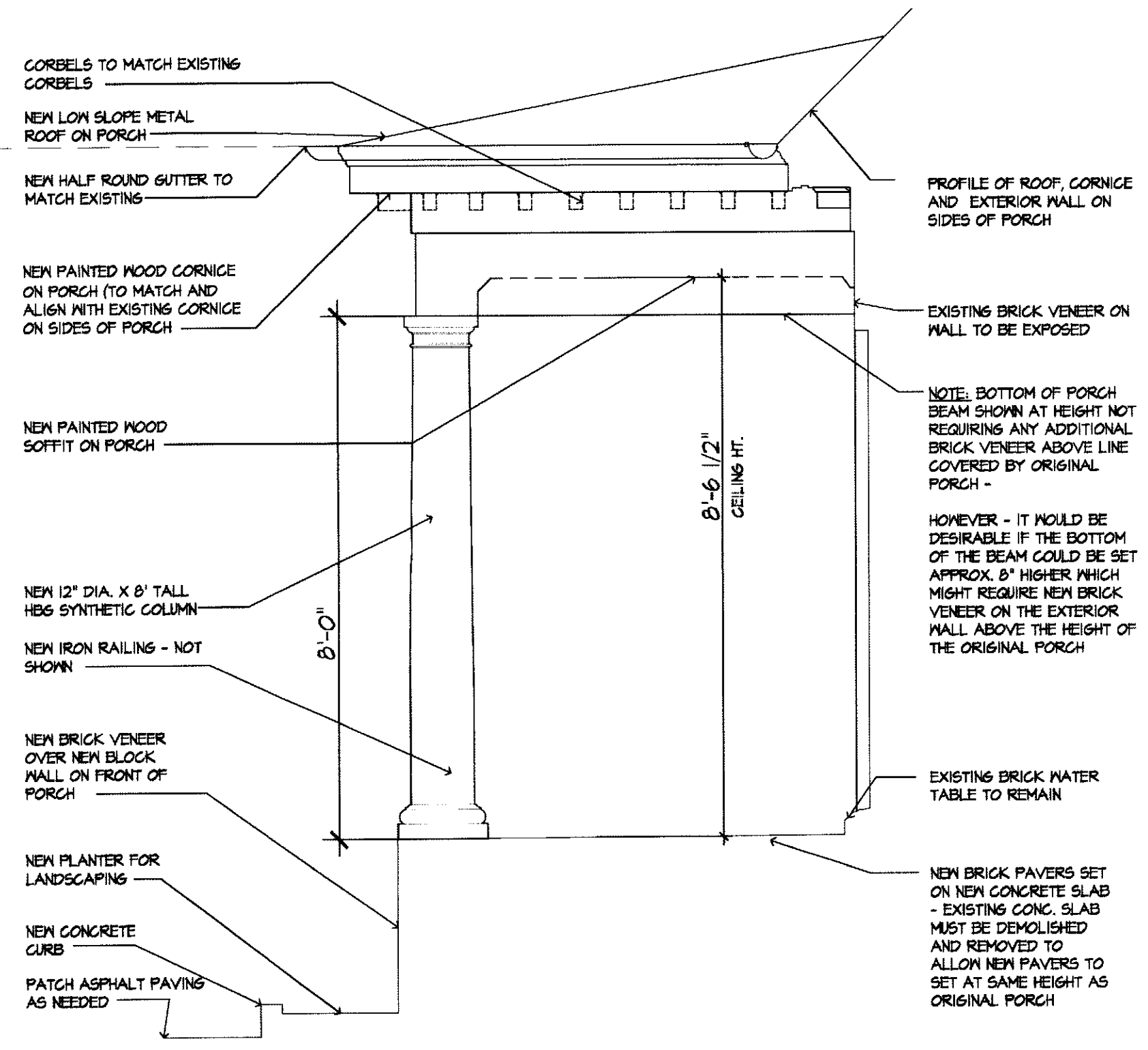
1
3 PROPOSED FRONT PORCH AREA PLAN
1/4" = 1'-0"



1
4 PROPOSED FRONT PORCH ELEVATION
1/4" = 1'-0"



1
5
EXISTING PORCH SECTION
1/2" = 1'-0"



2
5
PROPOSED PORCH SECTION
1/2" = 1'-0"

RBC BANK PROPOSED FRONT REMODEL

1725 Mount Vernon Road, Dunwoody, Georgia 30338

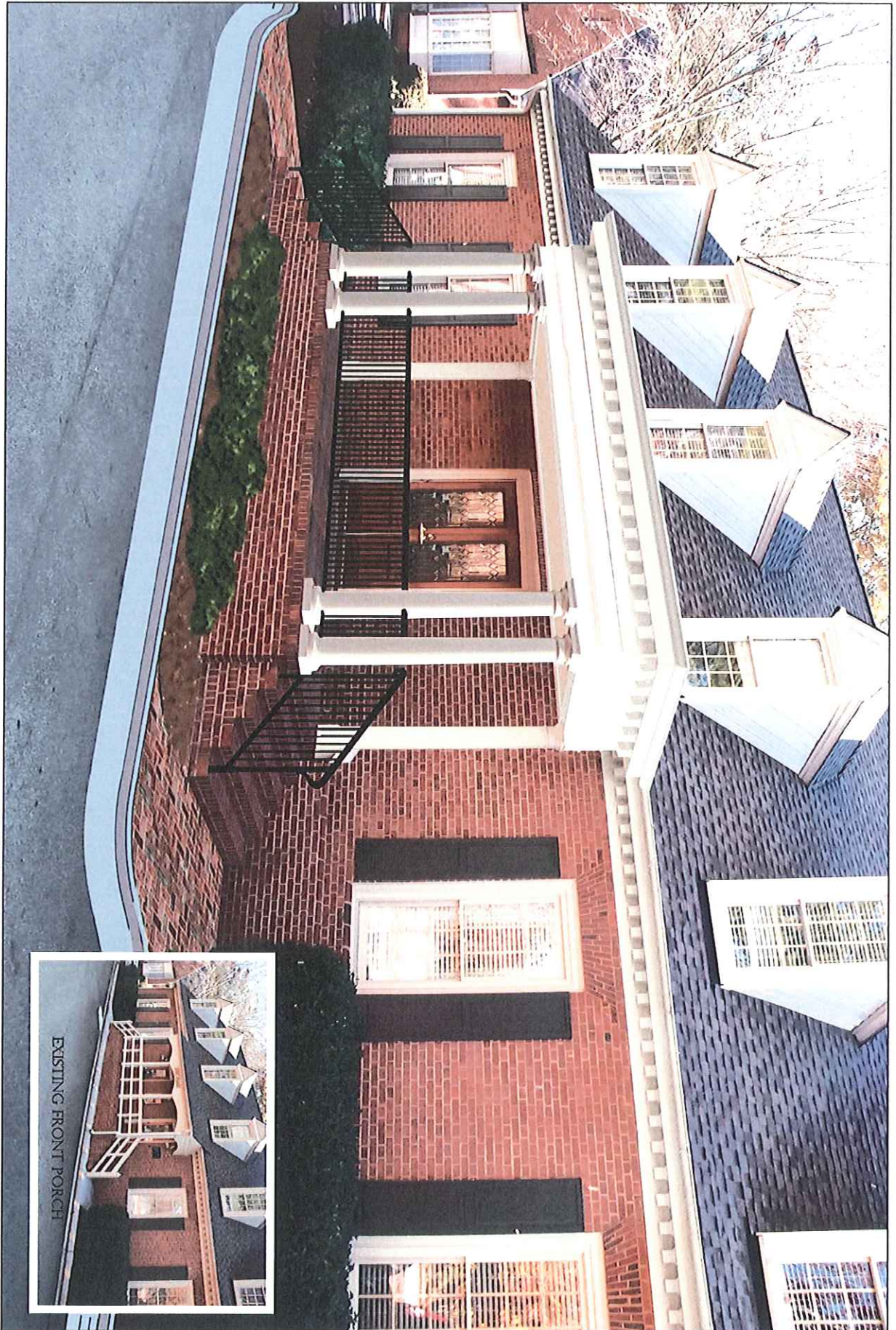
ZONING VARIANCE
APPLICATION
DRAWINGS

Terry Muirheid Architect
1435 Brawley Circle, Atlanta, Georgia 30319 404 886-5601

Date:
11/01/11

Sheet:
01

VIEW OF PROPOSED NEW FRONT PORCH



RBC BANK PROPOSED FRONT REMODEL

1725 Mount Vernon Road, Dunwoody, Georgia 30338

ZONING VARIANCE
APPLICATION
DRAWINGS

Terry Muirheid Architect

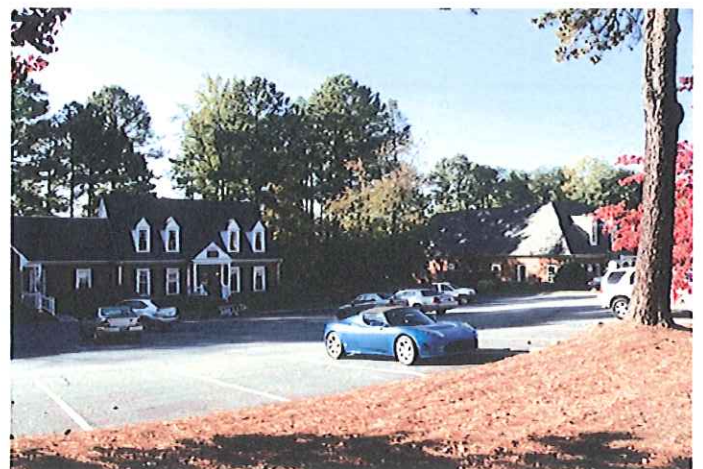
1435 Brawley Circle, Atlanta, Georgia 30319 404.886.5601



RBC BANK BUILDING VIEW OF EXISTING FRONT PORCH



VIEW SHOWING FRONT OF BUILDING RELATIVE TO OTHER BUILDINGS



OTHER VIEWS OF MOUNT VERNON SQUARE PROPERTY

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2012-XX-XX

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION
AND MAP FOR ZONING CONDITIONS OF LAND LOT 366, District 18 IN
CONSIDERATION OF ZONING CASE RZ-12-102 (1725 Mount Vernon Road)**

WHEREAS: Charles P. Stephens seeks permission to change a previously approved condition of zoning related to an office property located in the Dunwoody Village Character Area; and

WHEREAS: the Property's prior approval is conditioned to a site plan pursuant to a rezoning that took place in 1977 from R-100 to O-I zoning designation and the applicant seeks permission to amend the site plan through a change of conditions to allow for the construction of a single entry way where there are currently two entrances; and

WHEREAS, the application does not propose a change in land uses on the Property and is requested solely to expand upon existing structures in a way not envisioned previously and is not expected to have an adverse impact on surrounding properties or area as a whole; and

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

WHEREAS: A public hearing was held by the Mayor and City Council of the City of Dunwoody as required by the Zoning Procedures Act.

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby **ORDAINS AND APPROVES** the rezoning of this said property from Office-Institution Conditional District (O-Ic) to Office-Institution Conditional District (O-Ic) by removing the required condition of compliance with the June 28, 1977 site plan and instead complying with the following conditions:

- Construction of the Project must substantially comply with the terms and conditions indicated on the supplied site plan, submitted July 23, 2012.
- No land uses are to be enabled or restricted in any manner that alters DeKalb County previously approved land uses.

The City of Dunwoody Zoning Map shall be changed to reflect said rezoning.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2012.

Approved by:

Approved as to Form and Content

Michael G. Davis, Mayor

Acting City Attorney

#L.6.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2012-XX-XX

Attest:

Sharon Lowery, City Clerk

SEAL