

MEMORANDUM

To: Mayor and City Council

From: Steve Foote, AICP

Date: January 12, 2015 & January 26, 2015

Subject: **RZ 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.



BACKGROUND

The site is located at 4681 Ashford Dunwoody Road, on the eastern side of Ashford Dunwoody Road, at its intersection with Meadow Lane Road. The property is currently zoned Commercial-Residential Mixed-Use (CR-1). The property consists of approximately 5.2 acres of land.

Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions.

On June 24, 2014, the Mayor and City Council approved RZ 14-062 to rezone the property from PC-3c to Commercial-Residential Mixed-Use (CR-1), and SLUP 14-062, to increase the maximum building height allowed on the lot from three-(3) to four (4)-stories with conditions. The Ordinance and Exhibits A and B are attached.

Following approval of the rezoning and SLUP, the Zoning Board of Appeals (ZBA 14-073) granted a variance from Chapter 27, Section 27-228 to substitute the City's parking lot landscaping requirements with applicant's parking lot landscaping plan with the following conditions:

"Development must be substantially consistent with the site plan dated May 30, 2014 accepted by the Community Development Department. Minor changes (consistent with criterion 1-3 of Section 27-337(b)) to the site plan which are in accordance with the standards of the Dunwoody City Code in effect at the time of construction are also allowable."

On November 19, 2014, the applicant submitted a new rezoning request seeking approval of a modified site plan for the property. The rezoning request coincides with a request for a new SLUP.

On January 6, 2015, the Zoning Board of Appeals approved the following, by a vote of 6-0:

- Variance from Chapter 27, Section 27-73 to encroach the 20' side interior setback by up to 12';
- Variance from Chapter 27, Section 27-226 to substitute landscaping indicated on applicant's proposed plan for Dunwoody's Landscaping and Screening requirements;
- Special Exception to decrease the hotel parking space requirement from 1.25 spaces per room to 1.125 spaces per room.

, the Board Members heard the applicant's case for variance and special exception. Their discussion resulted in favorable motions for the three requests, which were all passed by a vote of 6 – 0.

Direction	Zoning	Use	Current Land Use
N	C-1	Commercial	Retail
S	O-I	Residential	Multi-Family Residential
E	C-1 & O-I	Commercial & Residential	Retail & Multi-Family Residential
W	OCRC	Commercial	Office

ANALYSIS

Comprehensive Plan Analysis

The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas'. The subject parcel is located in the 'Perimeter Center Character Area,' summarized on the attached excerpt from the Comprehensive Plan. The intent of this area is 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.

In accordance with this vision, the applicant plans to make the site pedestrian-friendly by orienting users close to Ashford Dunwoody Road, creating an internal network of sidewalks and crosswalks, and by providing streetscape treatments in accordance with the Perimeter Community Improvement District's (PCID) Public Space Standards.

Applicant's proposed plan aligns with the following goals of the Perimeter Center Character Area:

- 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
- Create bicycle, pedestrian and potential golf cart options to connect with the rest of the City of Dunwoody
- Promote/establish new connectivity

Site Plan Analysis

The following modifications have been made to the site plan since the previous site plan was approved by the Mayor and Council in 2014:

1. The hotel still contains 128 rooms, but is now proposed to be a maximum of seven (7)-stories, rather than four (4)-stories (increase in height sought through a SLUP request). Additionally, the location and orientation of the hotel on the site has moved from the eastern edge of the site, slightly to the west. Parking under the building has been removed, and all proposed parking is now surface. The site of the hotel dumpster and enclosure has been moved from a spot at the southeast corner of the site to the southwest corner of the interior landscape island adjacent to the hotel to the east. In addition to the rooms, there will be limited meeting space provided in the hotel.
2. The one (1)-story retail/restaurant space at the southwest corner has been modified from a maximum of 8,000 square feet to a maximum of 10,000 square feet. The one (1)-story retail/restaurant space to the east of the existing Spruill Arts Center has not changed from its figure of a maximum of 6,000 square feet. Thus, the aggregate square footage of the two retail/restaurant buildings has increased from 14,000 square feet to 16,000 square feet.
3. The 10,000 square foot maximum retail/restaurant building at the southwest corner has been redrawn to be 8 feet from the southern side property line, a twelve 12 foot encroachment into the minimum required setback of 20 feet. The applicant is requesting a variance from ZBA for the 12 foot encroachment.
4. Total parking spaces for the site have been modified from 269 to 272 spaces. While still an increase in the total number of spaces, the site is deficient in required parking as a result of the increase in floor area. The applicant is

applying for a Special Exception from ZBA to allow 1.125 parking spaces per hotel room instead of the required ratio of 1.25.

5. The existing westernmost Meadow Lane driveway, conditioned in the original request to be right in/right out, is modified to be a full left/right ingress/egress driveway.

The site, zoned CR-1, comprises a 2,380 square foot cultural arts facility, garden area with two outbuildings, and surface parking on an approximately 5.2 acre lot. The property slopes downward toward the eastern property line, which is encompassed by mature tree cover. The property fronts on Ashford Dunwoody Road and Meadow Lane Road, the latter of which is a private street today. The city is working toward getting that road dedicated as a public street which will facilitate the traffic light on the eastern curb cut.

While there are existing curb-cuts along Meadow Lane Road, to promote access management and alleviate any impending congestion, the proposed design calls for two deceleration lanes with 50-foot tapers. The 100-foot deceleration lane starts after the Spruill art facility as visitors approach the first curb-cut for restaurant and retail parking, and the 150-foot deceleration lane is more for hotel traffic, as the curb-cut orients users directly in front of the building. Other existing curb cuts will be removed.

Review and Approval Criteria

Chapter 27, Section 27-335 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 by the planning department, Boards, Commissions, and Councils. These criteria are enumerated and analyzed as follows:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
Dunwoody operates under the auspices of the Comprehensive Plan in effect as of June 2010. The importance of the Comprehensive Plan cannot be understated as a guiding document in the zoning decisions for a jurisdiction because it is a living document that is created from public input and sentiment, laying 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 'Perimeter Center Area,' which is indicated to be approved for uses such as first-class office, retail, and high-end restaurants in a pedestrian and bicycle-oriented environment, consistent with the applicant's request.
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 on the site is suitable when compared and contrasted with adjoining properties. For instance, there are numerous restaurant and retail establishments north of the subject property as well as hotels in the general vicinity.
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 through the operational activities of Spruill Center for the Arts.

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 those surrounding the immediate region of the proposed development because the proposal is directly aligned with the adjacent properties' allowable land uses along Ashford Dunwoody Road.
5. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
The conditions of the Perimeter Center area call for a "livable" regional center with a mix of uses in a pedestrian and bicycle-oriented environment. The request is consistent with this goal. The proposal offers a pedestrian circulation plan in and around the project site and makes use of best practice commercial center design principles by pulling buildings up to the street.
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
In the northwest corner of the property stands the Spruill Center for the Arts—an historic farmhouse, rich in Dunwoody history, which currently operates as a cultural arts facility and museum. The proposed site plan intends to keep the Spruill Home and additional outparcel buildings intact while anchoring retail and restaurant development around it.
7. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
The existing street and utility infrastructure is expected to be adequate to service the proposed hotel, retail and restaurant uses on the site. Additionally, there will be no school-aged children generated as a consequence of this development.

Additionally, Chapter 27, Section 27-336. – Successive Applications. states:

"An application for a comprehensive plan land use map amendment, zoning map amendment or a major amendment to one or more conditions attached to previously approved zoning map amendments affecting all or a portion of the same property may not be submitted more than once every 24 months measured from the date of final action by the mayor and city council." "The mayor and city council are authorized to waive or reduce this twenty-four month interval by resolution."

Staff supports the waiver of this requirement.

RECOMMENDATION

Community Council

At their regular November meeting, the Community Council heard the applicant's request to rezone the property from CR-1 to CR-1. After much discussion with the applicant and staff related to the nature of the project and the proposed use of the subject property

specifically, a motion was made to recommend approval of the request. The motion passed by a vote of 5-0.

Planning Commission

The Planning Commission reviewed the applicant's request at their regular December meeting. Discussion resulted in a motion to approve with conditions proposed by staff. The motion passed by a vote of 6-0. Additionally, the Planning Commission recommended approval of a waiver to Sec. 27-336. – Successive Applications.

Staff Recommendation

Based on the above analysis and findings, staff has determined that the requested amendments to the official zoning map meet the requirements of Chapter 27, §27-335. Therefore, staff recommends the application be **approved** with the following condition(s), and that the waiver to Section 27-336 be approved by resolution:

- Exhibit A:** Includes plans produced by MDA (McFarland-Dyer & Associates), dated November 19, 2014.
- Exhibit B:** Hotel Elevations for Spruill Center Development by Richard Rauh & Associates, dated October 13, 2014 and consisting of two sheets.

1. Development shall substantially conform with the above Exhibits, copies of which are attached hereto and incorporated herein by reference.
2. Developer will provide landscaping and other improvements along its property frontage along Ashford Dunwoody Road per 2007 Perimeter CID Public Standards.
3. Developer will provide street furniture along its property frontage along Meadow Lane Road per PCID standards.
4. Provided that Meadow Lane Road becomes dedicated to the City or the City otherwise acquires right-of-way over said road and the authority to construct traffic signals thereon, Developer will contribute 50% of the actual cost to install a traffic signal and crosswalk at the easternmost curb-cut of the Subject Property or \$75,000, whichever amount is less (hereafter the "Signal Contribution"). Developer will tender the Signal Contribution within 30 days of written notice from the City of its acquisition of the right-of-way and the authority to construct traffic signals thereon or place the Signal Contribution into escrow with the City prior to receipt of a Certificate of Occupancy for the hotel, whichever first occurs; provided, however, that Developer shall not be obligated to make the Signal Contribution until after Developer closes on a construction loan for the development. At the time the traffic signal is installed the western driveway shall be converted to a right-in, right-out configuration. Should the City fail to acquire the right-of-way over Meadow Lane Road and the authority to construct a traffic signal thereon within 24 months of the date of this zoning approval, then the Escrow funds shall be returned to the developer but the Developer shall continue to have the obligation to pay for 50% (not to exceed \$75,000) of the cost of the signal until the conclusion of 48 months after zoning approval.
5. Should the traffic signal in Paragraph 4 above not be installed and should the westernmost driveway demonstrate a correctable accident history that exceeds the thresholds for MUTCD, and/or the Georgia DOT, signal warrants, the City may require Developer, and/or successor in interest to the

development, to perform a traffic study to identify options to mitigate safety concerns at said intersection and reduce signal warrants.

6. The site plan be amended for the 10,000 square foot restaurant/retail building to be changed to a building of "up to 10,000 square feet."

Additionally, Staff recommends the waiver of Chapter 27, Section 27-336:

"An application for a comprehensive plan land use map amendment, zoning map amendment or a major amendment to one or more conditions attached to previously approved zoning map amendments affecting all or a portion of the same property may not be submitted more than once every 24 months measured from the date of final action by the mayor and city council." "The mayor and city council are authorized to waive or reduce this twenty-four month interval by resolution."

Attachments

- Exhibit A & B
- Location Map, Zoning Districts Map, Future Land Use Map
- Comprehensive Plan excerpt
- November 13, 2014 Community Council Meeting Minutes
- December 09, 2014 Planning Commission Meeting Minutes
- Previously approved site plan and conditions
- Application packet


**4681 Ashford
Dunwoody Rd**

Site Location

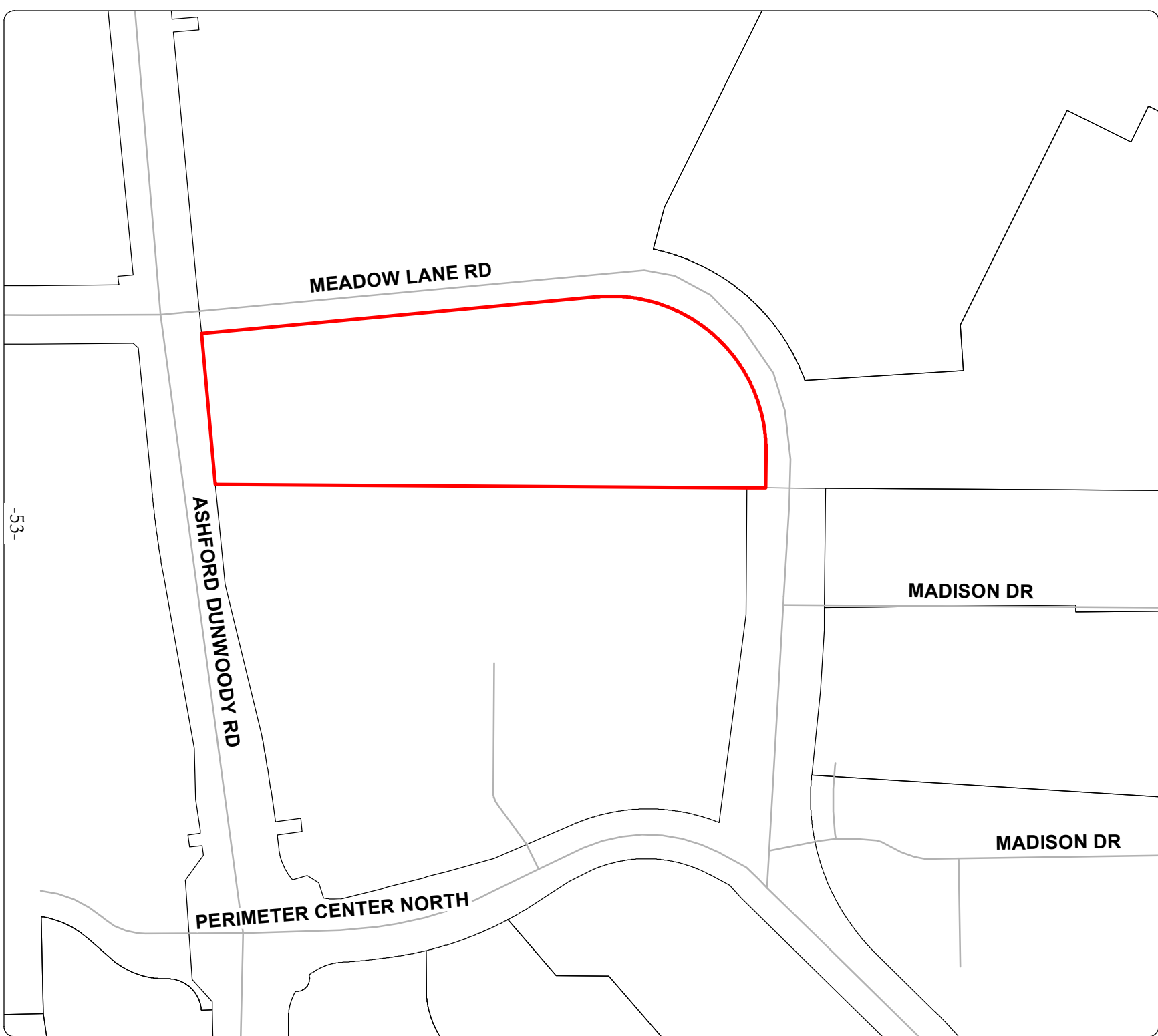
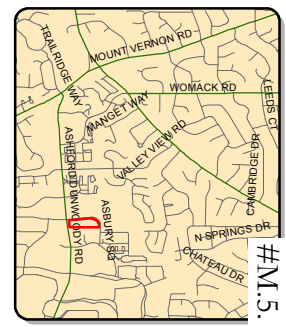
 October 2014

Legend

- Street Center Lines
- ▭ Parcels



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-53-

**4681 Ashford
 Dunwoody Rd**

Site Location

October 2014

Legend

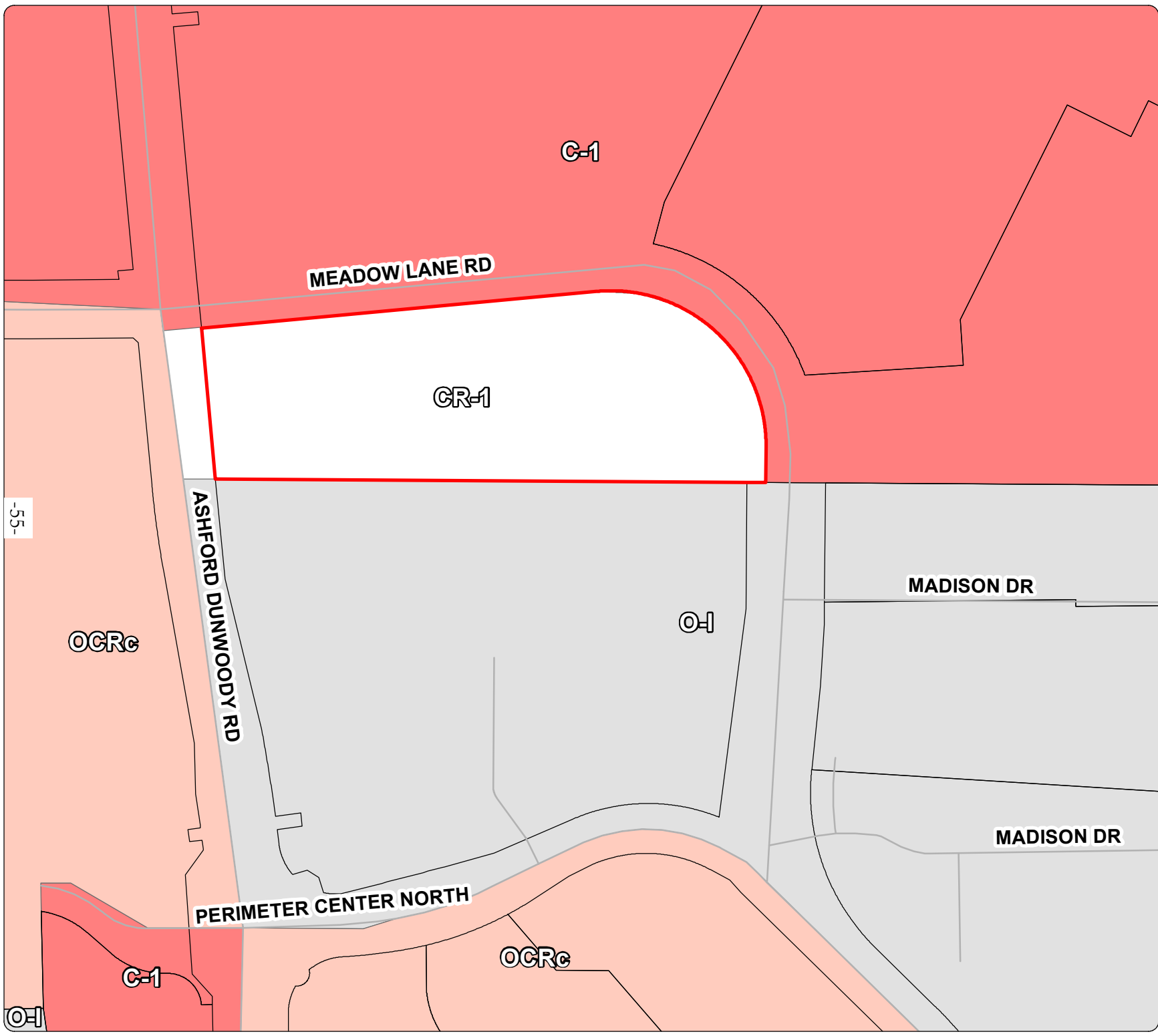
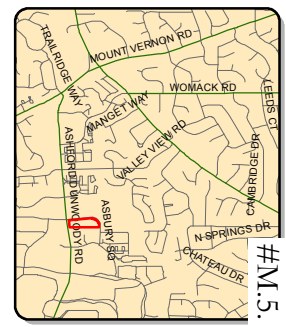
- Street Center Lines
- Parcels

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
- Planned Development
- Residential Community Development
- Single Family Cluster Residential
- Single Family Residential

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**4681 Ashford
Dunwoody Rd**

Site Location

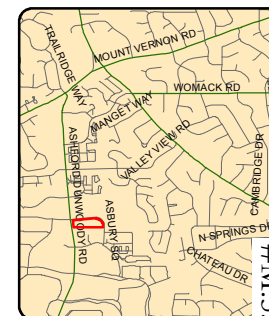
October 2014

Legend

- Street Center Lines
- ▭ Parcels
- Future Land Use**
 - 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



Scale: 1"=200'
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#M.S.

MEADOW LANE RD

MADISON DR

MADISON DR

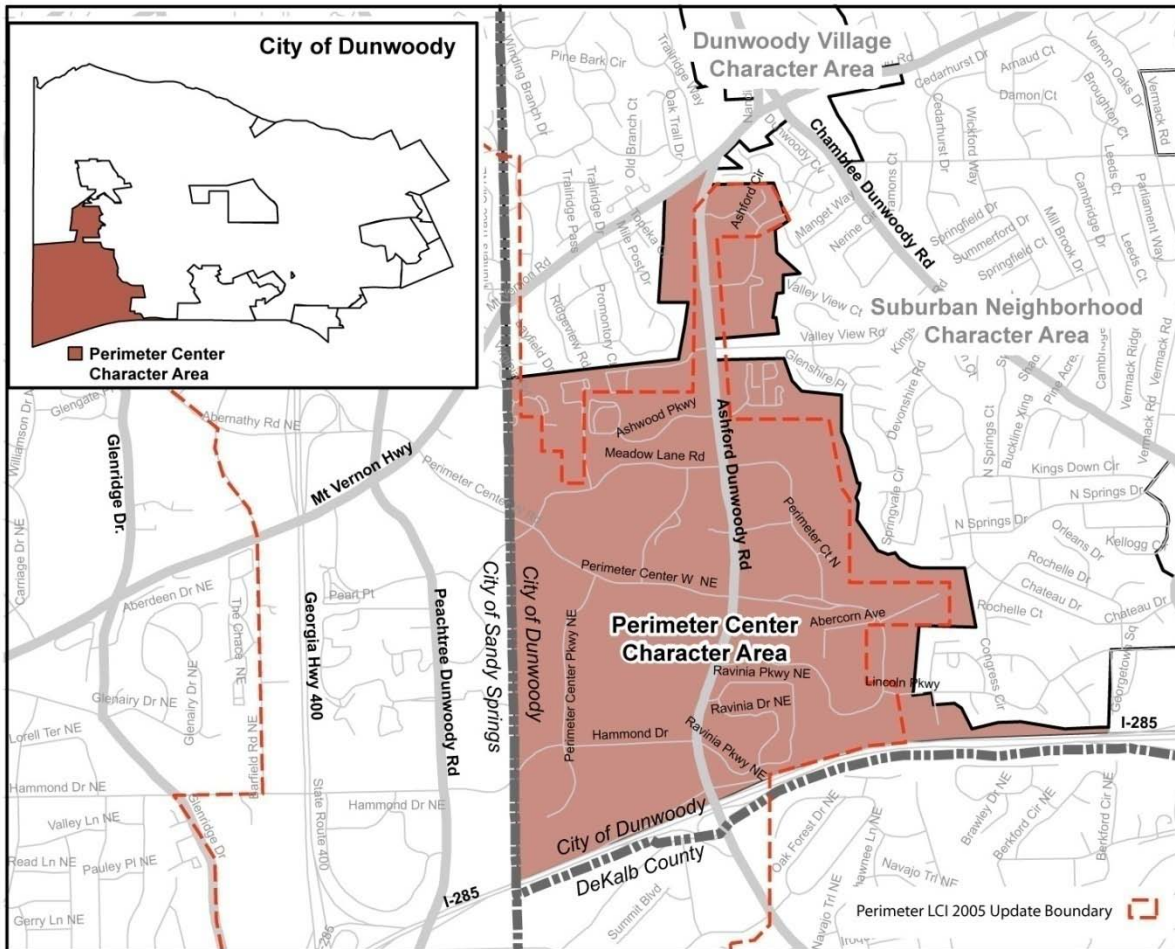
PERIMETER CENTER NORTH

ASHFORD DUNWOODY RD

-57- Perimeter Center



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.

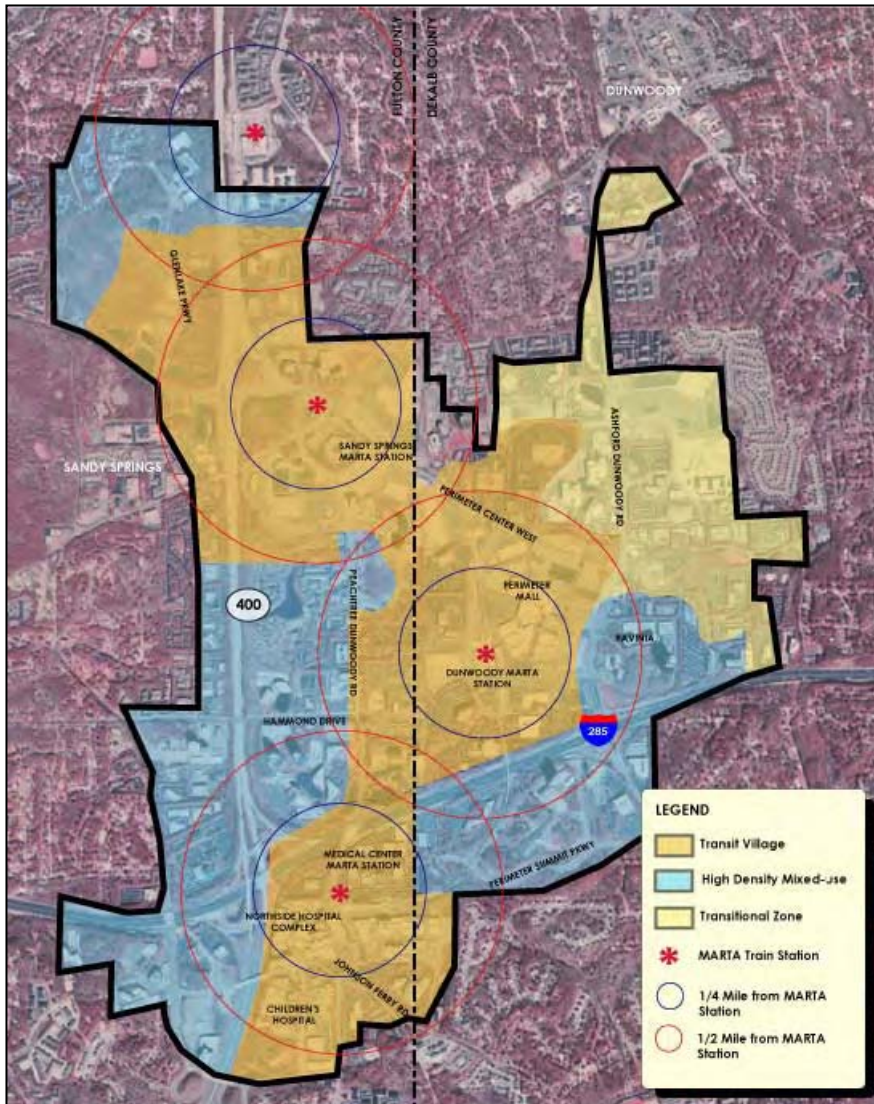


FIGURE 4: Perimeter Center LCI Framework Plan: development types

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.

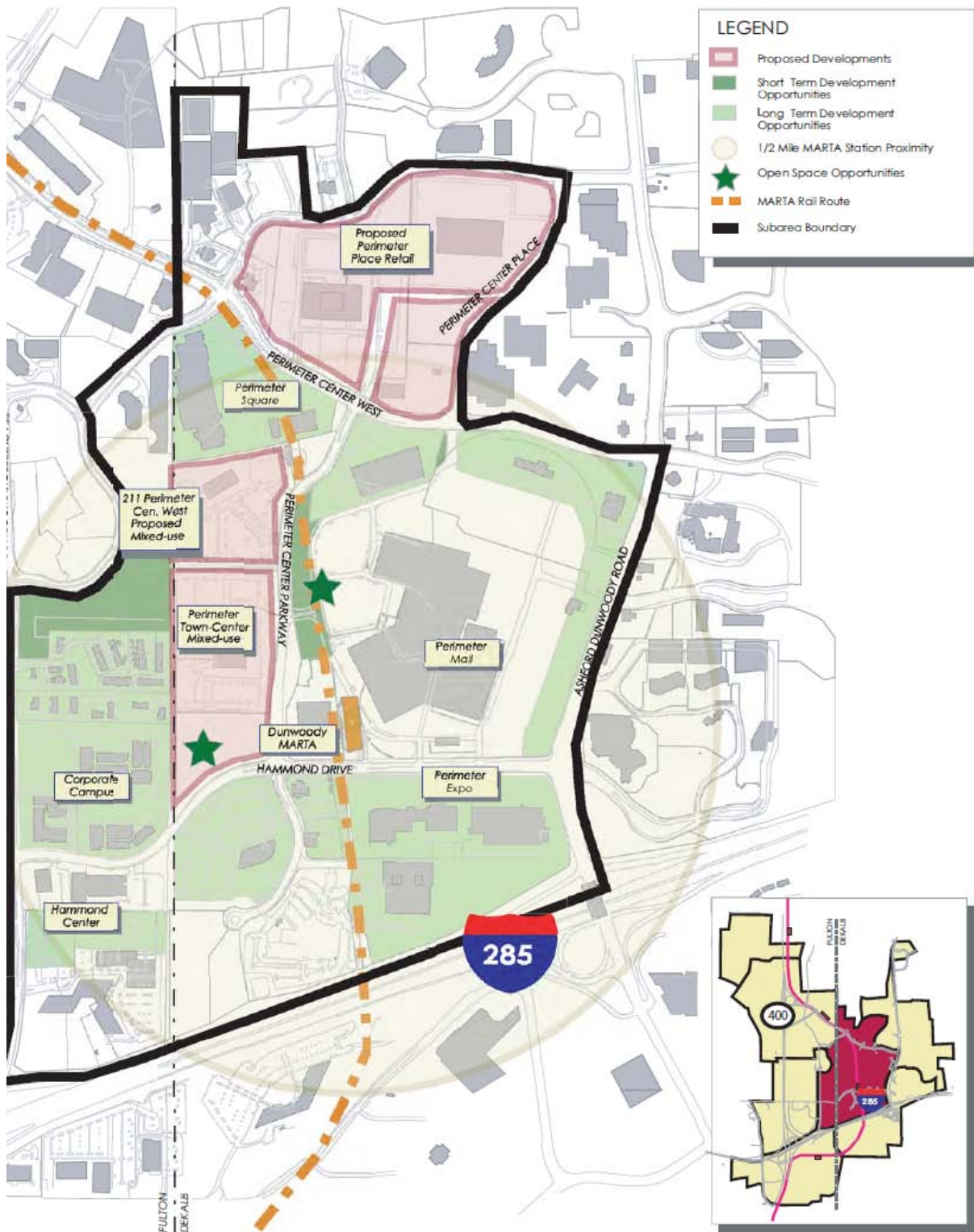


FIGURE 5: Development Opportunities



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."

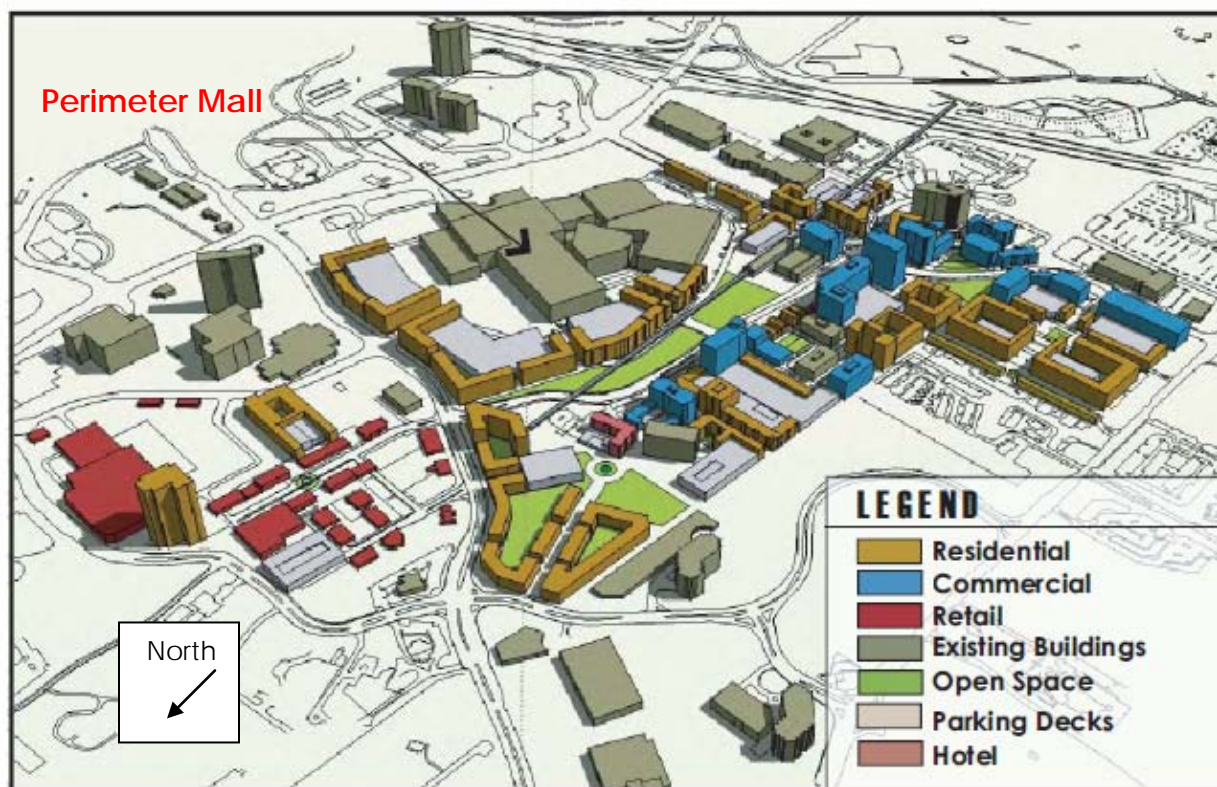


FIGURE 6: Plan-view Perimeter Center Parkway Build-Out with Linear Park and Green Space



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.

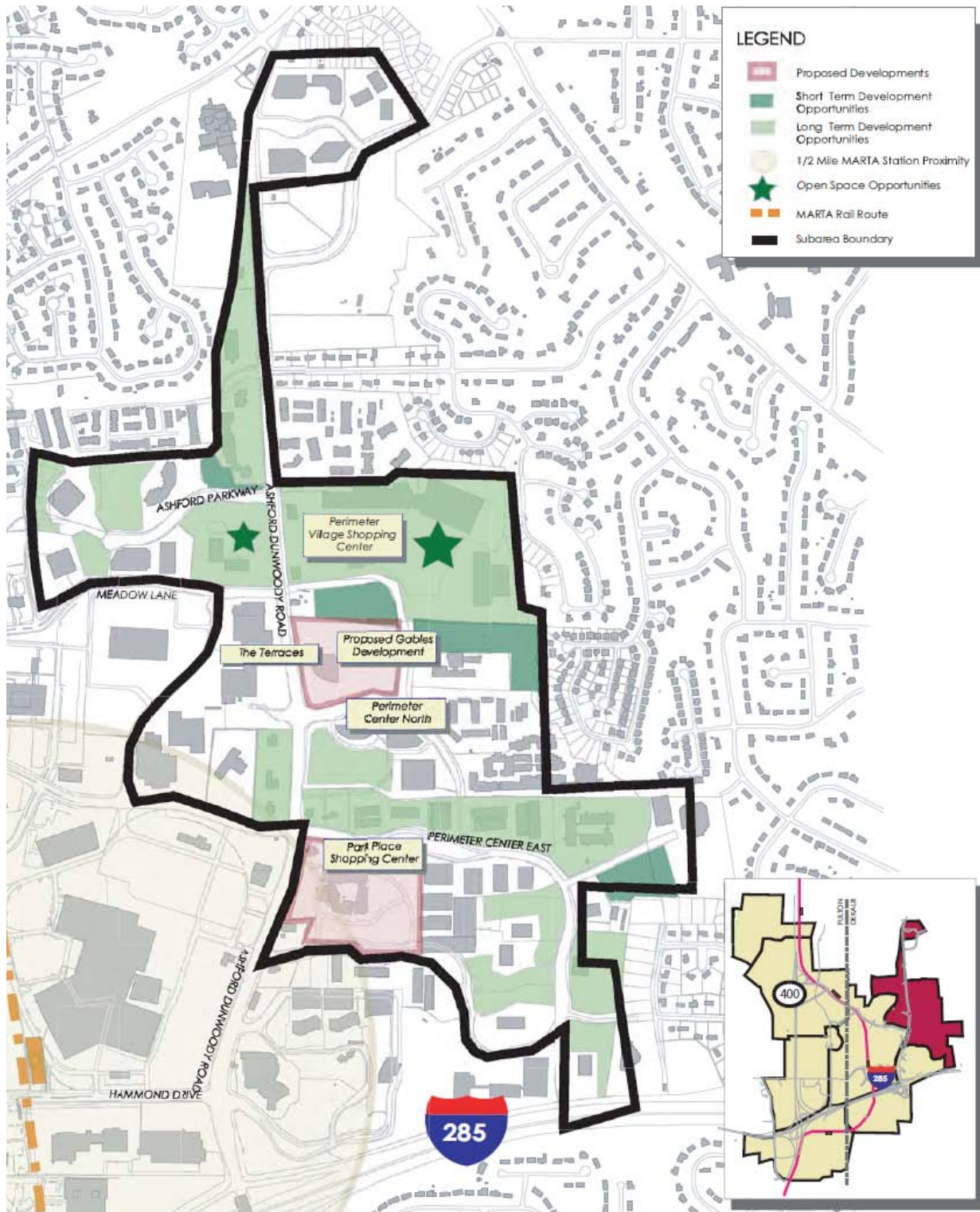


FIGURE 8: Development Opportunities, Transitional Zone (p 49, LCI Update 2005)



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



COMMUNITY COUNCIL

Norb Leahy, Chair
Tony Delmichi
Clayton Coley

Rick Callihan, Vice Chair
Debi Shendelman
Sam Verniero

MINUTES

CITY OF DUNWOODY
41 PERIMETER CENTER EAST, SUITE 103
DUNWOODY, GA 30346

November 13, 2014
7:00 PM

A. CALL TO ORDER

B. ROLL CALL

All members were present except Debi Shendelman.

Also present: Steve Foote, Community Development Director
Andrew Russell, Planning Coordinator

C. MINUTES

1. Approval of meeting minutes from July 10, 2014 Community Council Meeting.

The Commission discussed the draft minutes. No vote was taken, so the minutes will be voted on at the next Community Council Meeting.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **RZ 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Steve Foote presented the request to change conditions of the rezoning.

Don Boyken, representative of the applicant, presented on behalf of the application.

Joe Seconder, resident, voiced concern over walkability, pedestrian connectivity, public green space, outdoor seating and dining.

Motion to approve made by Tony Delmichi and seconded by Rick Callihan.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

2. Discussion of:

Revisions of the City of Dunwoody City Code Chapters 16, Land Development.

Revisions of the City of Dunwoody City Code Chapters 27, Zoning.

Norb opened public comment for the text amendments related to Chapter 16.

Robert Wittenstein, resident, presented comments on Chapter 16 (written copies provided to Community Council) regarding appeals of administrative decisions and Mark Collins supported Robert's recommendations. Matthew McCue, resident, presented regarding the need for citizen engagement in the community for new developments and for greater public input (handout provided to Community Council).

Motion to approve with the amendment to Section 16-33(c) to include "publication on-line and the written notification of adjacent property owners of the community development director's decision" at the conclusion of the application filing provisions made by Norb Leahy and seconded by Sam Verniero.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

Steve Foote made a presentation regarding the proposed text amendments before the Community Council.

The Community Council discussed the changes proposed in Chapter 16. They discussed and generated comment on the following:

- a) Sec. 16-79(b)(6), increase 200 sf to 500 sf for minor land disturbing activities in the stream buffer**
- b) Sec 16-218(3), delete the portion of the sentence requiring public improvements on arterial and collector streets for new and replacement homes**
- c) Sec. 16-259(h)(9), strike all of this subsection, which relates to bike lanes**

Motion to recommend denial of the proposed changes to Chapter 16 made by Norb Leahy and seconded by Tony Delmichi.

After a motion to recommend against the changes was made, the Community Council discussed the motion on the floor and ultimately did not vote.

Norb opened public comment related to amendments to Chapter 27.

Residents, Mark Collins, Bruce Lindeman and Robert Wittenstein, and also Rena Harris, spoke regarding proposed changes regarding group living issues. Rena Harris clarified the difference between personal care home and community living arrangements. Matthew McCue suggested early public notification.

Steve Foote introduced proposed revisions to Chapter 27, and Community Council discussed.

Motion to amend the text to remove personal care homes as permitted uses by right in single family residential districts made by Rick Callihan and seconded by Norb Leahy.

Passed For: 5; Against: 0; Abstain: 0; Absent: 1

Motion to deny made by Tony Delmichi. Motion died due to lack of a second.

Motion to approve with the following recommended changes made by Rick Callihan and seconded by Norb Leahy:

- a) Sec 27-57, add community living arrangements as an allowable use in all single family zoning districts
- b) Sec 27-57. Remove personal care homes as an allowable use in all single family zoning districts
- c) Forward Robert Wittenstein's document of proposed changes to Planning Commission and City Council

Passed For: 4; Against: 1; Abstain: 0; Absent: 1. Tony Delmichi dissented.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMUNITY COUNCIL COMMENT

J. ADJOURN

Approved by:

Chairman

Attest:

Secretary

CITY OF DUNWOODY
December 09, 2014
PLANNING COMMISSION MINUTES

The Planning Commission of the City of Dunwoody held a Meeting on December 09, 2014 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, Chair
 Bill Grossman, Vice Chair
 Kirk Anders, Commission Member
 Renate Herod, Commission Member
 Paul Player, Commission Member
 Heyward Wescott, Commission Member

Also Present: Steve Foote, Community Development Director
 Rebecca Keefer, City Planner
 Andrew Russell, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present. Kirk Anders arrived after Roll Call. Paul Player departed the meeting during the discussion of item F4.

C. MINUTES

1. Approval of Meeting Minutes from the August 12, 2014 Planning Commission Meeting.

Heyward Wescott motioned to approve. Bill Grossman seconded.

The motion was voted and passed (5 - 0).

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. **RZ 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Bob Dallas opened the discussion.

Rebecca Keefer presented on behalf of staff.

Steve Smith, on behalf of applicant, Hotel Development Partners (HDP),

presented. He noted changes in elevation as necessitating the change in hotel height from 4 to 7 stories.

Bob Kinsey, representative of Spruill Center for the Arts, spoke in support of applicant's proposed plan.

Bob Dallas informed the public that he served as President of Spruill Center for the Arts over a decade ago and is no longer directly involved there.

The Commission discussed the request and asked questions of staff and the applicant.

Heyward Wescott motioned to approve with staff's recommendations. Bill Grossman seconded.

The motion was voted and passed (6-0).

2. **SLUP 15-011:** Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit to increase the previously approved maximum allowable building height from four (4) stories to seven (7) stories in a Commercial-Residential Mixed-Use (CR-1) District, for the subject property located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015.

Bob Dallas opened the discussion.

Rebecca Keefer presented on behalf of staff.

The Commission discussed the application.

Heyward Wescott motioned to approve the SLUP as stated. Kirk Anders seconded. Heyward Wescott motioned to amend the previous motion to include the recommendation to waive the twenty-four month provision of Sec. 27-336. Bill Grossman seconded.

The motion was voted and passed (6-0).

The motion was voted and passed (6-0).

3. Revisions of the City of Dunwoody City Code Chapters 16, Land Development.

Bob Dallas opened discussion on Chapter 16.

Robert Wittenstein, resident, 1146 Bordeaux Court, spoke and proposed changes to the code for public notifications of administrative decisions. He provided a handout to Commission Members.

Jim Kelly, resident of 1310 Nerine Circle, spoke regarding public improvement fees for redevelopment.

The Commission discussed proposed changes to the subdivision plat

procedures.

After discussion, the Commission made the following recommendations:

- Special Administrative Permit decisions:
- Applicant shall notify immediately adjacent property owners of the pending decision;
- Parties entitled to a grievance through the appeals process should be those within 1500 feet, as recommended by staff;
- Appealable decisions shall be listed on the City's website and in less detail in the Crier; and
- Subdivision plat process: initial staff review, final decision before the Planning Commission, and appealable to the City Council.

Bill Grossman motioned to approve the Commission's recommendations. Paul Player seconded.

The motion was voted and passed (6-0).

Bob Dallas proposed that the section on minor subdivisions be redefined to mean subdivisions where no new lots are created and adjustments to lot lines are being adjusted.

Bill Grossman motioned to accept changes to the subdivision process as stated by Bob Dallas. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

The Commission and staff discussed that *Sec. 16-186. Applicability*, defining major or minor subdivisions, will need to be reworked if the proposed changes are accepted. The following votes appended the original motion related to redefining major and minor subdivisions:

Bill Grossman motioned to amend the prior motion to apply to *Sec. 16-190 Appeals*. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

Bill Grossman motioned to amend the prior motion to apply to *Sec. 16-202. Final plat procedure. (e) Appeals*. Heyward Wescott seconded.

The motion was voted and passed (6 - 0).

The Commission discussed *Sec. 16-218. Exemptions* regarding off-site improvements in residential zoning districts.

Renate Herod motioned to amend *Sec. 16-218(2)* to strike after "created" and *16-218(3)* strike after "replaced." Kirk Anders seconded.

The motion was voted and passed (5-1). Bill Grossman dissented.

The Commission voiced support of language staff has written into *Sec. 16-*

259(h), Sidewalks and bicycle lanes, and did not support the removal of language from this section as recommended by the Community council.

Renate Herod motioned to approve all of staff's proposed changes to Chapter 16, accepted without comment, unless previously motioned. Kirk Anders seconded.

The motion was voted and passed (6 – 0).

4. Revisions of the City of Dunwoody City Code Chapters 27, Zoning.

Bob Dallas opened discussion of Chapter 27 amendments.

Robert Wittenstein recommended changes to personal care homes under Sec. 27-57. Uses allowed, and proposed restoring the "P's" to personal care homes for family and group. He also raised concerns over Sec. 27-445, which requires the Community Development Director to notify the City Council in writing of every administrative decision.

Bruce Lindeman, resident of 4624 Briar Way Place, spoke in favor of adding a definition for community living arrangements, specifically for individuals with developmental disabilities who receive funding from the Department of Behavioral Health and Developmental Disabilities (DBHDD). He spoke against having a SLUP process for personal care homes.

Linda Dunlevy commented on proposed changes to personal care home definitions and zoning requirements, regarding the lack of attention to staffing levels. She suggested a SLUP process for personal care homes in residential zoning districts (pertaining to institutions which are licensed by the State). She expressed concern over the need to make Sec. 27-111(5), which allows the Community Development Director to make a use determination, consistent with the revisions to the administrative appeals section in Chapter 16.

Rena Harris, Director of Developmental Disability Services at the Marcus Jewish Community Center, spoke in opposition to a SLUP process for personal care homes in a residential zoning district.

Mark Collins, resident of 1337 Manget Way, spoke in favor of a SLUP process for personal care homes in residential zoning districts.

The Commission asked questions to staff regarding staff's research into community living arrangements.

Allison Wooten, resident of 4865 Manget Court, spoke in favor of a SLUP process for personal care homes.

Bill Grossman motioned to approve the changes recommended by staff on the personal care home uses as follows:

- "personal care home, family, 1-4 persons" to be a permitted use in all residential districts as indicated by staff in the table in Sec. 27-**

-
- 57;**
 - “personal care home, group, 5-7 persons” to be a SLUP in all residential districts;
 - “personal care home community, 8-15 persons” to be a SLUP in RM-150, 100, 85, 75, and HD; and
 - “community living arrangement, 1-4 persons” to be a permitted use, where indicated by staff.

Heyward Wescott seconded.

The motion was voted and passed (4 - 1). Kirk Anders was the dissenting vote.

Heyward Wescott motioned to approve the unmodified portions of staff’s recommendations for Chapter 27. Kirk Anders seconded.

The motion was voted and passed (5 – 0).

G. OTHER BUSINESS

H. PUBLIC COMMENT

Councilmember Terry Nall commended the Commission Members for their service.

I. COMMISSION COMMENT

J. ADJOURN

Heyward Wescott motioned to adjourn. Kirk Anders seconded.

The motion was voted and passed (5 – 0).

Approved by:

Chairman

Attest:

Secretary

DRB Consulting
LLC

The Power of Perspective

Construction Advisors Serving
Owners | Lenders | Developers

November 4, 2014

Rebecca Keefer
Dunwoody Planning Department
41 Perimeter Center East
Suite 250
Dunwoody, GA 30346

RE: Spruill Residence Inn
Dunwoody, GA
Rezoning and SLUP Request, Case Numbers RZ 15-011 & SLUP 15-011, 4681 Ashford
Dunwoody Road (Parcel ID 18 350 01 015)

Dear Rebecca,

As discussed with Steve Smith, the project has modified the previously approved zoning and SLUP plan referenced above as follows:

- The Hotel Building changed: a) Square footage; location on the site, orientation on the site and the number of stories increased.
- The existing Right In/Right Out Meadow Lane Driveway is modified to be a full Left/Right Ingress Egress driveway.
- The two Retail/Restaurant Buildings total square footage increased to 16,000 sq.ft.
- The south Sideyard Setback decreased to 8' in width at the proposed Retail/Restaurant at the southwest corner of the property.

Hotel Development Partners is requesting approval of these changes. Please let me know if you have any questions.

Respectfully,
DRB Consulting



Ed Thigpen
Sr. Project Manager

Amendment Application



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

The requirements of this application apply to comprehensive plan land use map amendments, zoning map amendments, zoning ordinance text amendments and major amendments to one or more conditions attached to previously approved zoning map amendments. If an applicant needs to further relax the dimensional standards of the Zoning/Land Development Ordinances for a specific property for the purpose of construction, s/he can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but these applications will not occur concurrently, and the approval of one does not indemnify the approval of the other. The City Council, following recommendation by the Planning Commission, shall determine whether the proposed amendment meets the applicable requirements.

No application for an amendment to the land use plan or amendment to the official zoning map or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has conducted neighbor communications. The purpose of neighbor communication summary requirements is to help educate applicants for development approvals and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues. If there is no residential zoning within 500 feet of the property under consideration, the applicant is exempt from neighbor communication summary requirements. The following information is required to be submitted with an application for amendments:

1. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
2. How information about the proposal was shared with neighbors (mailings, work-shops or meetings, open houses, flyers, door-to-door handouts, etc.);
3. Who was involved in the discussions;
4. Suggestions and concerns raised by neighbors; and
5. What specific changes to the proposal were considered and/or made as a result of the communications.

To initiate a request for an amendment within the City of Dunwoody, an applicant must also attend a pre-application conference (Conceptual Review) with key City personnel. Those meetings are scheduled as-needed, but the deadline for having such a meeting is set to ensure the appropriate time for staff review and communication prior to the special land use application deadline. Those meeting deadlines may be modified based on the scope of the project and proportionate review time. The purpose of the Conceptual Review Process is to establish an expectation on the part of both staff and the applicant for the amendment process. At the meeting(s), the applicant should display any preliminary site plans and/or other illustrative documents as necessary. The applicant will then detail an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to effect the change proposed and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the Conceptual Review Process, applicants can submit their application and required supplemental materials (detailed in the following checklist) to the Community Development Department, located at 41 Perimeter Center East, Dunwoody, GA 30346.

Rezoning Application Checklist



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

- ☐ Neighbor Communications Summary Report (or site plan indicating no residential zoning within 500 feet of the property).
- ☐ Completed application with all applicable information.
- ☐ Electronic version of the entirety of your application submittal, saved as a single PDF
- ☐ Signed and notarized affidavits of all owners. Use application and attached sheet, as necessary.
- ☐ Signed and notarized affidavits of all applicants. Use application and attached sheet, as necessary.
- ☐ Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
 - a. All buildings and structures proposed to be constructed and their location on the property;
 - b. Height of proposed building(s);
 - c. Proposed use of each portion of each building;
 - d. All driveways, parking areas, and loading areas;
 - e. Location of all trash and garbage disposal facilities;
 - f. Setback and buffer zones required in the district in which such use is proposed to be located;
 - g. Landscaping plan for parking areas.
- ☐ Please respond to the following criteria based on the nature of your request, as required by state law and City of Dunwoody Zoning Ordinance (use additional pages where necessary):
- ☐ **Comprehensive Plan Land Use Map Amendments**
 - a. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property;
 - b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property;
 - c. Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - d. Whether the amendment is consistent with the written policies in the comprehensive plan text;
 - e. Whether there are environmental impacts or consequences resulting from the proposed change;
 - f. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near city boundary lines;
 - g. Whether there are other existing or changing conditions affecting the use and development of the affected land areas that support either approval or denial of the proposed land use change; and

#M.5.

- h. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

☐ Zoning Map Amendments

- a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
- b. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- e. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
- f. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- g. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The following items may be required:

- ☐ Environmental Site Analysis Form
- ☐ Traffic Impact Study
- ☐ Development of Regional Impact Review
- ☐ Environmental Impact Report
- ☐ Overall Development Plan (Planned Developments)

AMENDMENT APPLICATION



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

* Applicant Information:

Company Name:	HDP Acquisitions, LLC, c/o Hotel Development Partners, LLC		
Contact Name:	Steven C. Smith		
Address:	3414 Peachtree Road NE, Suite 1075, Atlanta, GA 30309		
Phone:	(404) 842-1422	Fax:	
Email:	ssmith@ire-capital.com		
Pre-application conference date (required):	10/17/2014		

* Owner Information: ☐ Check here if same as applicant

Owner's Name:	Spruill Center for the Arts, Inc.		
Owner's Address:	5339 Chamblee Dunwoody Rd., Ste. B, Atlanta, GA 30338		
Phone:	770-394-3447 ext. 223	Fax:	770-394-6179
Email:	rkinsey@spruillarts.org		

* Property Information:

Property Address:	4681 Ashford Dunwoody Road, NW, Dunwoody, GA 30346	Parcel ID:	18-350-01-015
Current Zoning Classification:	PC-3c		
Requested Zoning Classification:	CR-1		

* Applicant Affidavit:

I hereby certify that to the best of my knowledge, this amendment 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. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

Applicant's Name: Steven C. Smith, Hotel Development Partners, LLC

Applicant's Signature:  Date: OCT. 20, 2014

* Notary:

Sworn to and subscribed before me this 20 Day of OCTOBER, 2014

Notary Public: Katherine E. Fowler

Signature: 

My Commission Expires: February 14, 2017

KATHERINE E FOWLER
NOTARY PUBLIC
FULTON COUNTY
STATE OF GEORGIA
MY COMMISSION EXPIRES 02-14-2017



Additional Property Owner(s) Notarized Certification



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

I hereby certify that to the best of my knowledge, this amendment 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. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

* Property Owner (If Applicable):

Signature: <u>Robert Kinsey</u>	Date: <u>OCT. 20, 2014</u>
Address: <u>4681 Ashford Dunwoody Road, NE, Dunwoody, GA 30338</u>	
Phone: <u>770-394-3447 ext. 223</u> Fax: <u>770-394-6179</u>	Email: <u>rkinsey@spruillarts.org</u>
Sworn to and subscribed before me this <u>20</u> Day of <u>OCTOBER</u> , 20 <u>14</u>	
Notary Public: <u>Katherine E. Fowler</u>	<p>KATHERINE E FOWLER NOTARY PUBLIC FULTON COUNTY STATE OF GEORGIA MY COMMISSION EXPIRES 02-14-2017</p>

* Property Owner (If Applicable):

Signature: _____	Date: _____
Address: _____	
Phone: _____ Fax: _____	Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20 _____	
Notary Public: _____	

* Property Owner (If Applicable):

Signature: _____	Date: _____
Address: _____	
Phone: _____ Fax: _____	Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20 _____	
Notary Public: _____	

Additional Applicant Notarized Certification



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

I hereby certify that to the best of my knowledge, this 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. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions.

*** Applicant:**

Signature: [Signature] Date: OCT. 20, 2014
 Address: 3414 Peachtree Road NE, Suite 1075, Atlanta, GA 30309
 Phone: (404) 842-1422 Fax: _____ Email: ssmith@ire-capital.com
 Sworn to and subscribed before me this 20 Day of OCTOBER, 2014
 Notary Public: [Signature]
 KATHERINE E FOWLER
 NOTARY PUBLIC
 FULTON COUNTY
 STATE OF GEORGIA
 MY COMMISSION EXPIRES 02-14-2017

*** Applicant:**

Signature: _____ Date: _____
 Address: _____
 Phone: _____ Fax: _____ Email: _____
 Sworn to and subscribed before me this _____ Day of _____, 20____
 Notary Public: _____

*** Applicant:**

Signature: _____ Date: _____
 Address: _____
 Phone: _____ Fax: _____ Email: _____
 Sworn to and subscribed before me this _____ Day of _____, 20____
 Notary Public: _____

Campaign Disclosure Ordinance



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

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting an amendment.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

(Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☐ YES ☒ NO

* Applicant / Owner: Steven C. Smith/HDP Acquisitions, LLC

Signature: _____

Date: Oct. 20, 2014

Address: PC-3c

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

Date	Government Official	Official Position	Description	Amount

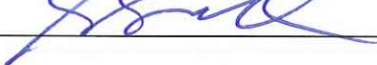
Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

* Applicant / Owner: Steven C. Smith/Hotel Development Partners, LLC

Signature:  Date: OCT. 20, 2014
Address: _____

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

Date	Government Official	Official Position	Description	Amount

Campaign Disclosure Statement



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

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission? ☐ YES ☒ NO

* Applicant/Owner: Robert Kinsey, Spruill Center for the Arts, Inc.

Signature: Robert Kinsey Date: OCT. 20, 2014
Address: _____

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

Date	Government Official	Official Position	Description	Amount

Thresholds for Additional Studies, Reports, & Forms



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

Traffic Impact Study: When a project equals or exceeds the thresholds listed below, a Traffic Impact Study must be submitted. The Traffic Impact Study shall be prepared by a qualified traffic engineer or transportation planner in accordance with professional practices.

Thresholds for Traffic Impact Study	
Use	Size
Single family residential	500 units
Multi-family residential	700 units
Office	300,000 square feet
Hospital	375 beds
Commercial	175,000 square feet
Hotel / Motel	600 rooms
Industrial	500,000 square feet
Any mixed-use development that exceeds 500 peak hours trips as based on the standards of the Institute of Transportation Engineers (ITE) Handbook.	

Development of Regional Impact (DRI): The Department of Community Affairs (DCA) has formulated development thresholds as listed on the next page. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with the City of Dunwoody. After the ARC/GRTA findings are complete, the rezoning/use permit request will be placed on the next available appropriate agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details, contact the ARC at www.georgiaplanning.com/planners/dri/ and GRTA at www.grta.org/dri/home/htm or at 404-463-3000.

Development of Regional Impact – Tiers and Development Thresholds	
Type of Development	Metropolitan Region
Office	Greater than 400,000 square feet
Commercial	Greater than 300,000 square feet
Wholesale & Distribution	Greater than 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotel	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1,800 sq. ft. per unit toward the total gross sq. ft.); or covering more than 120 acres; or if any of the individual uses meet or exceed a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25% of capacity
Waste Handling Facilities	New facility or expansion of use of existing facility by 50% or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by 50%
Wastewater Treatment Facilities	New facility or expansion of existing facility by 50%
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
Water Supply Intakes/Reservoirs	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
Any other development types not identified above (includes parking facilities)	1,000 parking spaces

Environmental Impact Report: Projects having any appreciable impact on the environment --either on site or in the region-- as a result of this proposed action may be required to submit an Environmental Impact Report detailing the impact as a result of the proposed project, and the attenuation measures (Erosion/Sediment Control Plan, water quality devices, noise & lighting barricades, etc.) proposed.

Environmental Site Analysis (ESA) Form



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

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

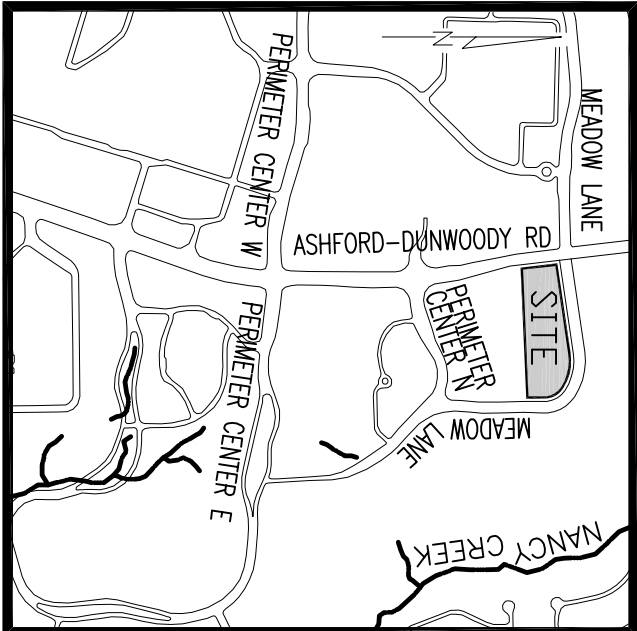
Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

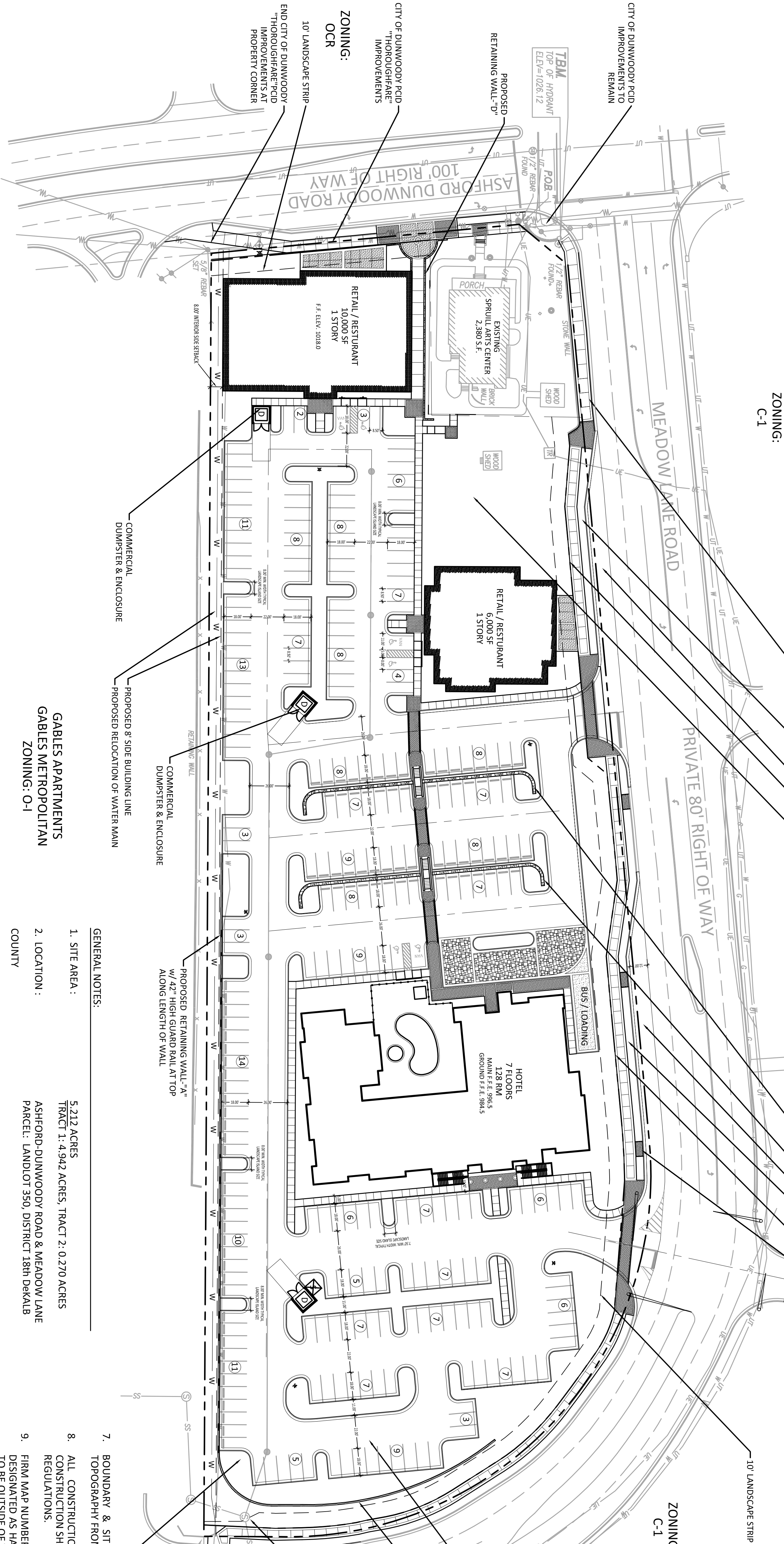
3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats



VICINITY MAP NOT TO SCALE

SYMBOL LEGEND	
R/W	- Right-of-Way
P/L	- Adjacent Property Line
P.O.B.	- Place/Point of Beginning
P.O.C.	- Place/Point of Commencement
(X)	- Schedule B Section II Item
No.	- Number
Rad	- Radius
Rad	- Arc Length
Ac	- Area
Ch	- Chord Bearing
Ch	- Chord Length
Msd.	- Measured
Dtd.	- Deed
(Record) Actual	- Monumentation Found as Noted or to be Set
•	- 5/8" Rebar w/ Cap Set
•	- Iron Nail or Drill Hole Set
•	- Monument Box w/ Iron Pin
•	- Storm Manhole w/ Grate
•	- Storm Manhole w/ Grate
•	- Square Catch Basin
•	- Catchment Basin w/ Out Grate
•	- Sanitary Manhole
•	- Fire Hydrant
•	- Electric Transformer
•	- Electric Manhole
•	- Telephone Manhole
•	- Handicap Space
•	- Sign
•	- Wall
•	- Light Pole
•	- Fence
•	- Concrete Area
•	- No Parking Area
•	- Building Area



GABLES APARTMENTS
GABLES METROPOLITAN
ZONING: O-1

5. PROPOSED USE:
MIXED USE COMPLEX AND PARKING LOT

6. APPLICANT :
HDP - ACQUISITIONS, LLC,
C/O HOTEL DEVELOPMENT PARTNERS, LLC
3414 PEACHTREE ROAD NE, SUITE 1075
ATLANTA, GEORGIA 30326
STEVE SMITH, 770-330-3233

CONTACT PERSON:
MCFARLAND - DYER & ASSOCIATES, INC.
4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
JEFF DYER (770) 932-6550,
Jdyer@gomda.net

PARKING

Required Parking Spaces

Hotel 128 keys / 1,25 per guestroom	160
Retail/Restaurant 6,000 gsf / (6.67 per 1000 per sf)	40
Retail/Restaurant 10,000 gsf / (6.67 per 1000 per sf)	67
Spruill Center 360 gsf Assembly Area (40 per 1000 sf)	14

Total Required Parking

281

Surface Parking (Standard 8'-6" x 18'-0")

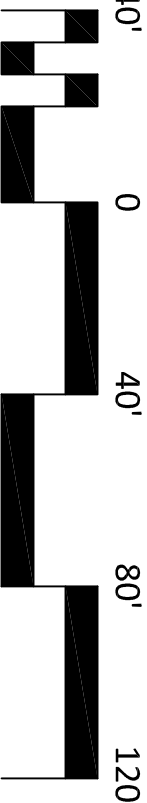
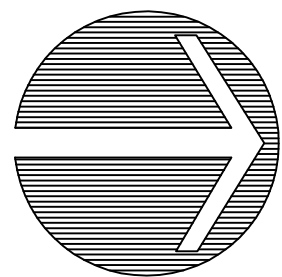
272

Total Parking Provided

272

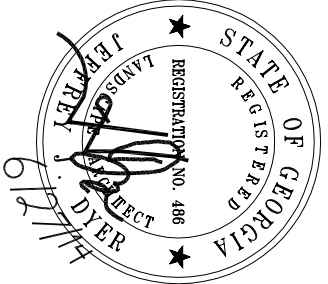
SPRUILL CENTER USED PRELIMINARY SITE PLAN

5. RULL CENTER
OW LANE ROAD, DUNWOODY, GEORGIA
8, 2014 (LAST REVISED - NOVEMBER 19, 2014)



GRAPHIC SCALE (in feet)
1 INCH = 40 FT.





VICINITY MAP
NOT TO SCALE

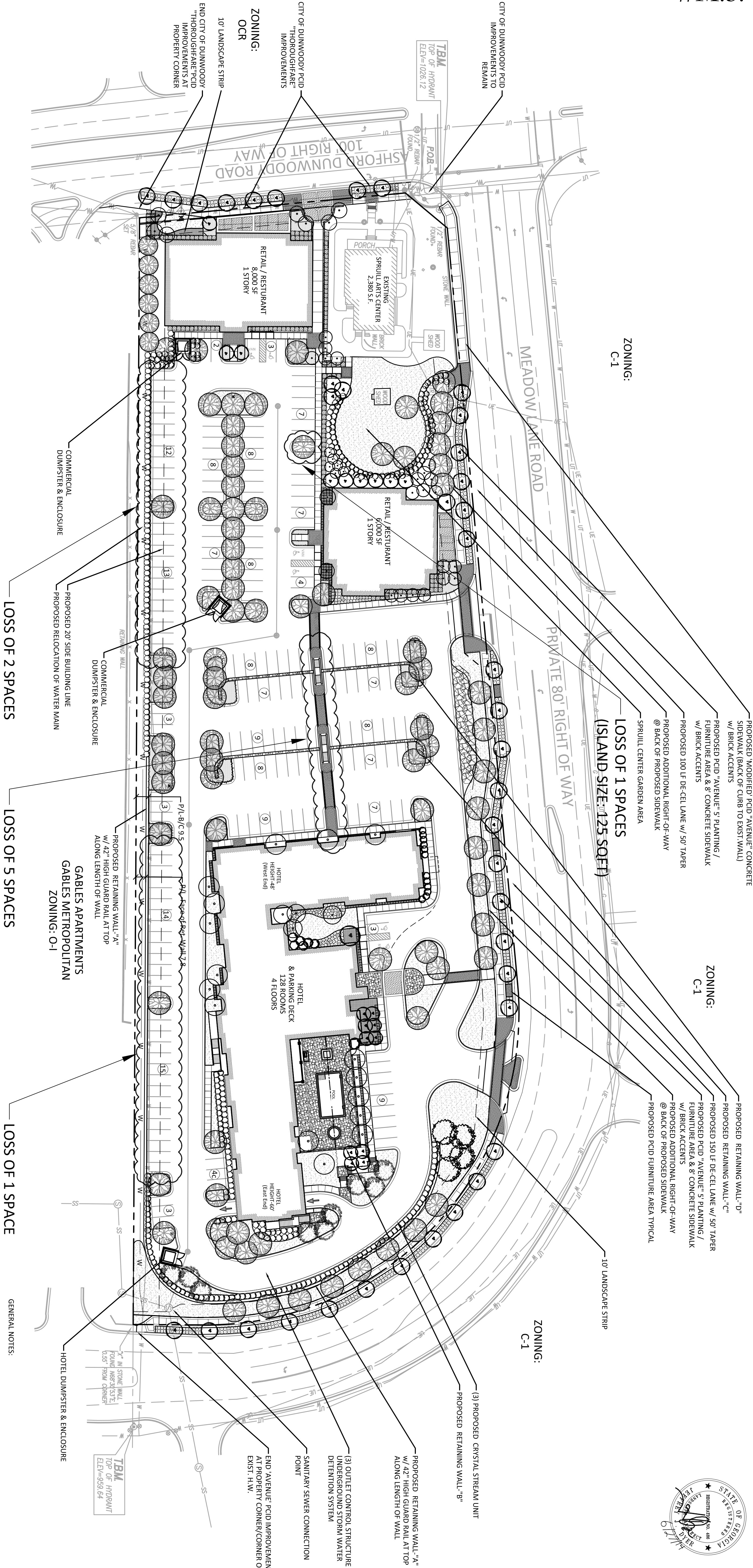
SYMBOL LEGEND

- Right-of-Way
- Adjacent Property Line
- Place/Point of Beginning
- Place/Point of Commencement
- Schedule B Section II Item
- Number
- Radius
- Rad
- Arc Length
- Delta Angle
- Chord Length
- Chord Bearing
- Measured
- Dead
- (Record) Actual
- Monumentation Found as Noted or to be Set
- 5/8" Rebar w/ Cap Set
- Iron Nail or Drill Hole Set
- Monument Box w/ Iron Pin
- Storm Manhole w/ Grate
- Square Catch Basin
- Catch Line Basin w/ Out Grate
- Sanitary Manhole
- Fire Hydrant
- Water Valve
- Electric Transformer
- Electric Manhole
- Telephone Manhole
- Handicap Space
- Sign
- Light Pole
- Fence
- Concrete Area
- No Parking Area
- Building Area

LEGEND

- STREET LIGHT POLE
- STREET TREE
- SHADE TREE
- UNDERSTORY TREE
- LOW SHRUBBERY
- SHRUBBERY
- GROUND COVER
- SOD / GRASS

95-



PARKING	
Required Parking Spaces	
Hotel 128 keys / 1.25 per guestroom	160
Retail/Restaurant 6,000 gsf / (6.67 per 1000 per sf)	40
Retail/Restaurant 8,000 gsf / (6.67 per 1000 per sf)	54
Spruill Center 360 gsf Assembly Area (40 per 1000 sf)	15
Total Required Parking	269
Surface Parking (Standard 8'-6" x 18'-0" Compact 8'-0" x 15'-6")	211
Proposed Parking Deck (Under Hotel)	58
Total Parking Provided	269

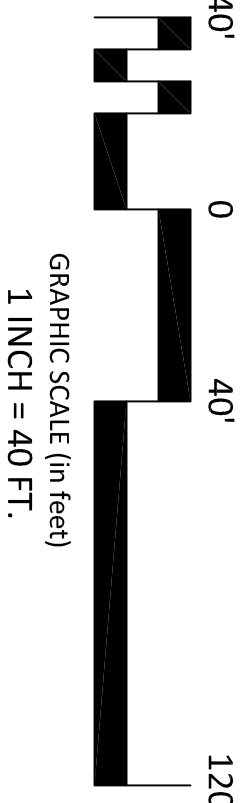
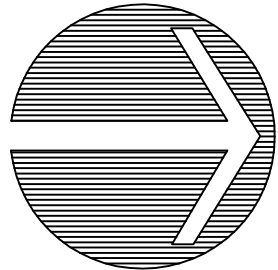
LOSS OF 2 SPACES

LOSS OF 5 SPACES

LOSS OF 1 SPACE

SPRULL CENTER
REZONING PLAN

MEADOW LANE ROAD, DUNWOODY, GEORGIA
JUNE 27, 2014-REV.



PARKING

Required Parking Spaces

Hotel 128 keys / 1.25 per guestroom	160
Retail/Restaurant 6,000 gsf / (6.67 per 1000 per sf)	40
Retail/Restaurant 8,000 gsf / (6.67 per 1000 per sf)	54
Spruill Center 360 gsf Assembly Area (40 per 1000 sf)	15

Total Required Parking

Surface Parking (Standard 8'-6" x 18'-0" Compact 8'-0" x 15'-6")	211
Proposed Parking Deck (Under Hotel)	58

Total Parking Provided

269

GENERAL NOTES:

1. SITE AREA : 5.212 ACRES. TRACT 1: 4.942 ACRES, TRACT 2: 0.270 ACRES
2. LOCATION : ASHFORD-DUNWOODY ROAD & MEADOW LANE PARCEL: LANDLOT 350, DISTRICT 18th DEKALB COUNTY
4. LAST EXISTING USE : SPRULL ARTS CENTER, PARKING LOT & UNDEVELOPED LAND
5. PROPOSED USE: MIXED USE COMPLEX AND PARKING LOT
6. APPLICANT : HDP - ACQUISITIONS, LLC, c/o HOTEL DEVELOPMENT PARTNERS, LLC 3414 PEACHTREE ROAD NE, SUITE 1075 ATLANTA, GEORGIA 30326 STEVE SMITH, 770-350-9233
- DESIGNER/ENGINEER : MCFARLAND - DYER & ASSOCIATES, INC. 4174 SILVER PEAK PARKWAY SUWANEE, GEORGIA 30024 JEFF DYER (770) 932-6550, JDyer@gmda.net
7. BOUNDARY & SITE INFORMATION PREPARED BY ARMASTRONG LAND SURVEYING, INC DATED 03/02/2007. TOPOGRAPHY FROM FIELD RUN SURVEY.
8. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF DUNWOODY DEVELOPMENT REGULATIONS. ALL CONSTRUCTION SHALL ALSO COMPLY WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL CODES, STANDARDS AND REGULATIONS.
9. FIRM MAP NUMBER 13089C0012, EFFECTIVE MAY 16, 2013, INDICATES THAT THE SUBJECT SITE IS LOCATED IN A FLOOD ZONE "X" AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN.
10. COVERAGE: 80% MAXIMUM, PROPOSED COVERAGE: 73%
11. STORM WATER MANAGEMENT SHALL BE PROVIDED ON SITE IN SUB-SURFACE FACILITIES.
12. THERE ARE NO LAKES, STREAMS, WETLANDS OR WATERS OF STATE OR THEIR ASSOCIATED BUFFERS ON THIS SITE.
13. PROPOSED ZONING: CR-1
- 13.1. STREET - FRONT AND SIDE: 0 FEET
- 13.2. SIDE INTERIOR: 20 FEET
- 13.4. BUILDING HEIGHT: 3 STORIES, 45 FEET (SUBJECT TO SUPR)

LEGEND	
	STREET LIGHT POLE
	STREET TREE
	SHADE TREE
	UNDERSTORY TREE
	LOW SHRUBBERY
	SHRUBBERY
	GROUND COVER
	SOD / GRASS



1 FRONT ELEVATION (FACING WEST)
SCALE : 3/32" = 1'-0"



2 STREET ELEVATION (FACING NORTH)
SCALE : 3/32" = 1'-0"

PRELIMINARY BLOCKOUT / BUILDING MASSING
BASED ON MARRIOTT GEN 9 "BEACON PROTOTYPE"
MATERIALS AND COLORS NOT DETERMINED, TO BE NEGOTIATED WITH G.C.

FOR HOTEL DEVELOPMENT PARTNERS LLC
SHEET 3 OF 4

REVISIONS

GR MIX REVISED 10.17.14
GR MIX REVISED 10.18.14

SCHEMATIC ELEVATIONS

SPRULL RESIDENCE INN, DUNWOODY GA
PRELIMINARY DRAFT FOR COMPUTATION OF BUILDING AREA

SHEET NUMBER
A-103

PROJECT NUMBER
1327

DATE
10/13/14

433 BISHOP STREET, N.W. ATLANTA, GEORGIA 30318

RICHARD RAUH & ASSOCIATES/Architecture

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RICHARD RAUH & ASSOCIATES, LTD. ARCHITECTS
TELEPHONE 604-892-2883 FAX: 604-892-3946

#M.5.

NOT RELEASD FOR CONSTRUCTION



PRELIMINARY BLOCKOUT / BUILDING MASSING
BASED ON MARRIOTT GEN 9 "BEACON PROTOTYPE"
MATERIALS AND COLORS NOT DETERMINED, TO BE NEGOTIATED WITH G.C.

FOR HOTEL DEVELOPMENT PARTNERS LLC
SHEET 4 OF 4

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