

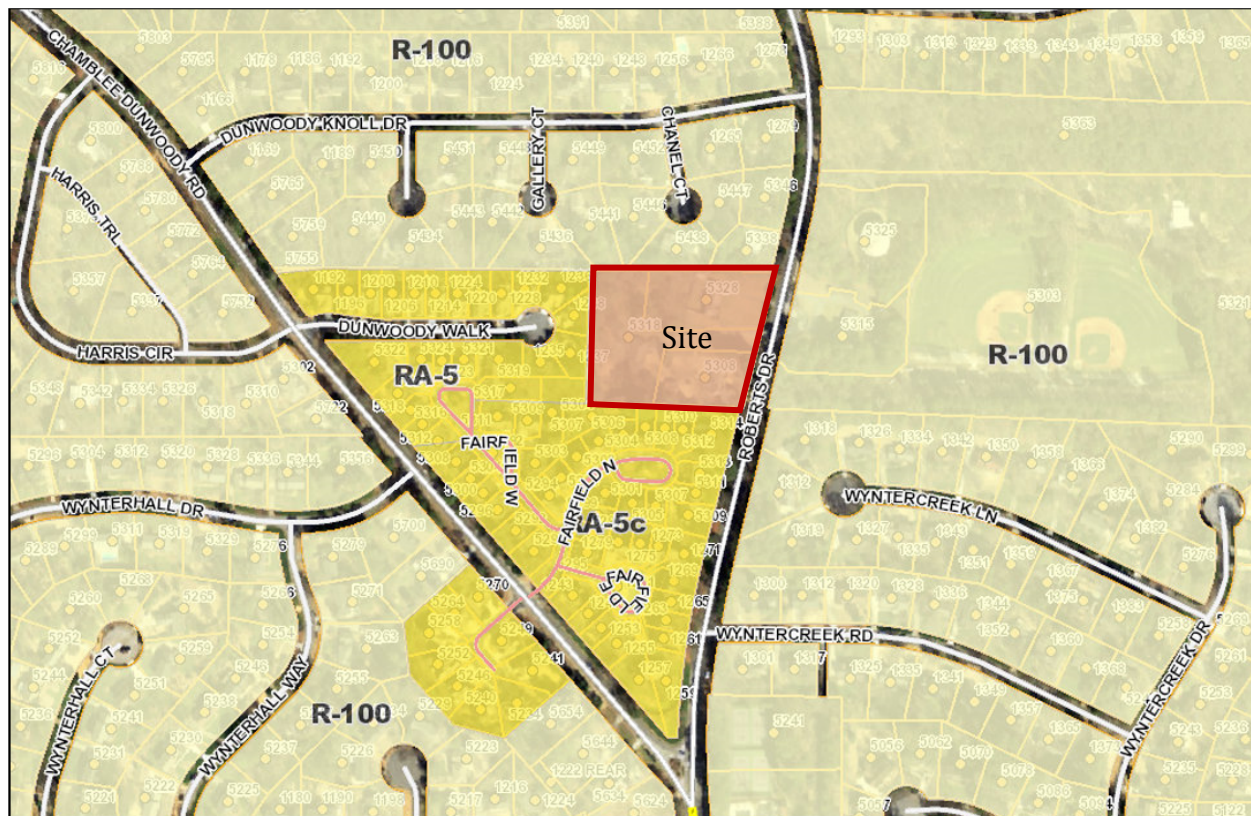
## **MEMORANDUM**

To: City Council

From: John Olson, AICP

Date: October 12, 2020

**Subject:** **RZ 20-02:** Peachland Housing group seeks to rezone the properties located at 5308, 5318, and 5328 Roberts Drive from their current R-100 (Single-dwelling Residential) District zoning classification to an R-50 (Single-dwelling Residential) District.



## **BACKGROUND**

The subject properties in question consist of three separate single-family lots, located at 5308, 5318, and 5328 Roberts Drive. According to Dunwoody's official zoning map, all three properties are zoned R-100 (Single-dwelling Residential) District, and consist of approximately 3.3 acres of land.

The applicant, Peachland Housing Group, Inc, seeks a rezoning from the R-100 (Single-dwelling Residential) District to an R-50 (Single-dwelling Residential) District. With the use, the applicant intends to redevelop the site into a 15-lot single-family subdivision.

Of the three lots, 5318 and 5328 Roberts Drive contain ranch style homes built in the 1960's. The third house, located 5308 Roberts Drive, is known as the Swancy House. It was originally built in 1889 as a three-bedroom farmhouse house, but over the years it has been modified with new additions. While the property is recognized as a historic Dunwoody property by the Dunwoody Preservation Trust, it is not designated on the state or national register of historic places. To make way for the new housing, the two existing houses at 5318 and 5328 will be demolished; however, the historic Swancy house will be saved and incorporated into the new subdivision.

Based on the building elevations submitted, each new home will be 1.5 stories in height and feature a variety of classical architectural designs that fit the design and feel of the Swancy house. Traditional material of the exterior will include a mix of brick, stone, and wood. In addition, the architecture is intended to promote a cottage feel with main floor living intended for empty nesters.

An applicant initiated community meeting was held on Monday, July 6, 2020. During the meeting, the applicant provided a brief presentation of the proposed site plan and provided a handout to the attendees. According to the summary report, the three main concerns that came from the meeting were screening, stormwater, and traffic.

## **SITE ANALYSIS**

Review of the site plan indicates that the development will contain a unit density of 4.47 units per acre, which is less than the density of the adjacent Fairfield Townhomes (6.19 units per acre) and Dunwoody Walk (5.69 units per acre), but higher in density than Dunwoody Knoll Neighborhood found to the north (2.13 units per acre).

| Density of Adjacent Property |                 |            |
|------------------------------|-----------------|------------|
| Subdivision                  | Zoning          | Density    |
| Dunwoody Knoll               | R-100           | 2.13 DU/AC |
| Proposed Concept Plan        | R-50 (Proposed) | 4.47 DU/AC |
| Dunwoody Walk                | RA-5            | 5.69 DU/AC |
| Fairfield Townhomes          | RA-5            | 6.19 DU/AC |

Based on the density table above, lot sizes for the concept plan will be slightly larger than what is currently found in Dunwoody Walk and Fairfield Townhome Subdivisions. Of the two zoning districts that surround property, the R-100 allows larger lot single-family, and the RA-5 allows smaller lot single-family and townhomes. In view of the zoning of adjacent properties, the project will facilitate transitional R-50 zoning between RA-5 and R-100 districts.

From the western curblineline of Roberts Drive toward the northwestern edge of the property, the elevation gradually drops by approximately 20 feet. Looking west from Roberts Drive the site is largely visible with few trees; however, there is a concentration of mature trees found along the back property line. Just east of the rear property line there exists a 20-foot drainage easement that contains an underground storm sewer pipe that directs runoff from the Fairfield Townhomes downstream from the site. To achieve adequate spacing from units 6 thru 8, the applicant proposes to relocate the easement and associated stormwater infrastructure further west from its current location; however, the developer will need to

come to an agreement with the Fairfield homeowners to relocate the storm sewer. The runoff from the onsite areas will drain to an underground stormwater detention facility found along the northwest corner of the site.

In regards to right-of-way, the City has requested that the applicant dedicate a small strip of land along Roberts Drive; by doing so, the adjusted right-of-way will align with the property line to the north.

## **SURROUNDING LAND USE**

Immediately south of the development lies the Fairfield townhomes, which consist of 59-units, zoned RA-5 (Single-dwelling Residential) District. To the west there are three RA-5 zoned lots that are part of the Dunwoody Walk Subdivision. To the north of the subject property there are three R-100 zoned lots that are part of the Dunwoody Knoll Subdivision. The proposed development is within walking distance to the Dunwoody Nature Center, the new Austin Elementary, and the restaurants and shops located within Dunwoody Village. The Dunwoody Nature Center is also found nearby, immediately north of the school site.

The table below summarizes all of the nearby zoning districts and land uses:

| Direction | Zoning | Future Land Use | Current Land Use                |
|-----------|--------|-----------------|---------------------------------|
| N         | R-100  | Suburban        | Single-Family (R-100)           |
| S         | RA-5   | Suburban        | Single-Family (R-100 and RA-5)) |
| E         | R-100  | Suburban        | Park/Institutional              |
| W         | RA-5   | Suburban        | Single-Family (RA-5)            |

## REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-359 identifies criteria to be applied by the Department of Planning, the Planning Commission, and the City Council in evaluating applications for zoning changes. In accordance with Georgia and local law, the following review and approval criteria shall be used in reviewing the respective amendment applications:

### Section 27-335. Review and approval criteria.

- b. *Zoning Map Amendments.* The following review and approval criteria must be used in reviewing and taking action on all zoning map amendments:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;

***The City of Dunwoody's 2015-2035 Comprehensive Plan (the "Plan") includes a 'Future Land Use Map' and 'Character Areas Map' that guide the City's future development policy. The Dunwoody Comprehensive Plan is organized primarily by regions, delineated as 'character areas.' The subject parcel is located in the 'Suburban Neighborhood Character Area', which is indicated to be approved for 'single-family residential' and 'aging in place appropriate uses, which is consistent with the applicant's request. Further, the proposed R-50 district is not at odds with the Comprehensive Plan, as the R-50 zoning category is called out in "FIGURE 16: Future Land Uses Table" as a supported future land use.***

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, as further detailed in the site analysis above. As previously noted, adjacent and nearby properties include large lot single-family housing (zoned R-100) to the north, small lot single-family housing (zoned RA-5) to the west, and a townhome community (zoned RA-5) to the south. In light of development of adjacent nearby properties, the project will facilitate transitional R-50 zoning between a higher intensity RA-5 district, and lower intensity R-100 districts. Further, development of a 15 single-family units at 4.47 units per acre is suitable in view of adjacent subdivisions that have higher densities.***

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

***Currently zoned R-100, the subject lots would support a reasonable economic use for the development of approximately six single-family homes. However, approving the site for R-50, would enhance the economic use of the site to allow up to 15 homes.***

4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

***As previously noted, the area surrounding the site contains a range of housing types that include a mix of townhomes (Fairfield), small lot single-family residences (Dunwoody Walk), and larger lot single-family residences (Dunwoody Knoll). As a small lot single-family subdivision, the proposed subdivision will be consistent to housing types found nearby, and therefore,***



**does not appear to adversely impact the use or usability of adjacent or nearby property.**

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;

**Most housing choices within Dunwoody consist of larger lot R-100 developments that contain big homes with high maintenance needs. As a smaller lot development, the project fills a void that supports a different housing option within the community. Most notably, the project supports the Comprehensive Plan's goal in providing aging in place appropriate housing options, as older residents have an option to downsize from a larger lot home in exchange for a lot with less maintenance needs, which provides support for approval.**

6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;

**The zoning proposal includes the preservation of the Swancy Farmhouse, located at 5308 Roberts Drive. According to the development proposal, each of the new houses will be built with complementary architecture with the historic house.**

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 development of 15 lots may cause a modest increase in traffic. However, considering the development is planned to be targeted to empty nesters, it would not appear to create a situation of excessive or burdensome use of existing streets, transportation facilities, or utilities. According to DeKalb County Schools, if the development is not age-restricted, the development would be expected to generate 9 students: 3 at Austin Elementary, 1 at Peachtree Middle School, and 1 at Dunwoody High School.**

## **SUMMARY OF SEPTEMBER 15, 2020 PLANNING COMMISSION**

Planning Commission held a public hearing regarding the case on September 15, 2020. Following discussions, Commissioner Thomas O'Brien motioned to approve the case incorporating staff conditions with the following additional recommendations:

1. The developer shall construct a storm drain under the proposed private street and dedicate to the City. The new storm drain shall be similar in nature to the existing concrete storm drain on the northern section of the property. All associated costs with the new storm drain shall be responsibility of the developer;
2. The Developer shall provide landscaping along the northern property line of the development, which will be approved by the City Arborist;
3. All landscaping along the perimeter of the development shall be installed prior to the start of construction on any new homes; and
4. The project shall not be an age restricted development.

## **RECOMMENDATION**

Based on the findings in the review and approval criteria above, staff recommends that RZ20-02 be approved subject to the following exhibits and conditions:

EXHIBIT A: Site plan, dated September 10, 2020

1. The site shall be developed in general conformity with "Exhibit A" with necessary changes to meet land development requirements, zoning regulations, conditions of zoning, and city arborist recommendations;
2. Prior to the issuance of a final plat, the Owner shall dedicate sufficient right of way along Roberts Drive so that it aligns with the property to the north and south; the existing fence that will subsequently be within the public right of way on lot 5308 Roberts Drive will be grandfathered as an existing condition provided that the owner enters into a right of way encroachment agreement with the City;
3. The City, in perpetuity, shall grandfather the existing shed located at 5308 Roberts Drive as a legal non-conforming structure that will not be required to be conforming if it is remolded or renovated; however, the shed cannot be relocated or extended and shall be torn down if the house is ever demolished.
4. All on-site utilities shall be buried underground;
5. The owner shall maintain the existing sidewalk along Roberts Drive making repairs/replacement as necessary for the development of the site. A five (5) foot wide sidewalk shall be installed on one side of the private road serving the development with trees spaced adequately apart behind the back of curb per "Exhibit A";
6. No gates should be permitted at the entrance into the development;
7. There will be no requirement for an accel/decel lane on Roberts Drive in connections to the construction of an entrance to the development;

Architecture: The following shall apply to all new homes; these conditions shall not apply to the existing home currently at 5308 Roberts Drive;

8. Garage doors shall have appearance of wood doors. Garage doors constructed of metal may not be smooth or have polished metallic finish. Garage door glazing shall be limited to no greater than 25% of the garage door;
9. The following are the only materials allowed as exterior materials for the façade of the homes: brick, stone, wood, hard coat stucco, or cementitious building products in the form of traditional materials such as shake and siding;
10. No vinyl or aluminum siding shall be permitted on any façade;
11. All homes shall have a watertable detail on all sides of the home as follows:
  - a. Watertable shall be either brick, stone, or hard coat stucco.
  - b. Watertable shall be from the ground up to an approximate height equal to the first-floor finish elevation of the home so that there is no exposed foundation.
12. Windows may be constructed of wood or metal;
13. All street facing window muntin grids may be true divided light (TDL) or simulated divided light (SDL). Grills between glass (GBG) are not permitted;
14. All street facing chimneys shall originate at grade;
15. Shingles on roof must be of the architectural style. Any street facing roof with a pitch equal or less than 3/12 must be a standing seam metal or equal design;
16. All homes within the development shall contain the owner's bedroom and bathroom on the main floor.

Utilities

17. Any stormwater detention facility will be underground.

Landscaping

18. Development shall have covenants that require a homeowners association wherein the landscaped entrance area, lawns, screening, street trees in the right of way, and open

space are maintained by the homeowners association. Membership in the homeowners association is mandatory for owners of properties subject to these covenants. Maintenance shall require replacement of any dead, diseased, or removed shrubs or bushes that are part of the screening;

19. A wood fence around the three sides of property may be installed or if existing may be repaired or replaced by an 8' tall wood privacy shadow box fence.

#### Planning Commission

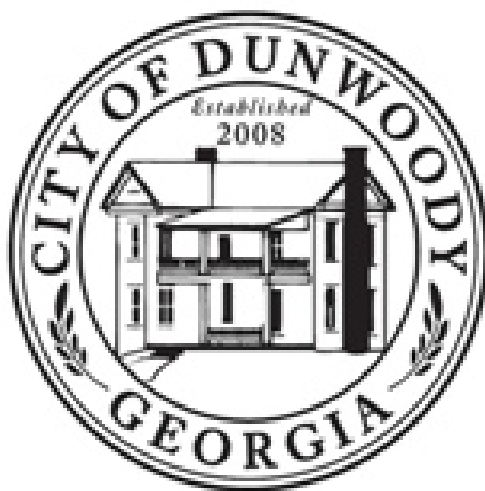
20. The developer shall construct a storm drain under the proposed private street and dedicate to the City. The new storm drain shall be similar in nature to the existing concrete storm drain on the northern section of the property. All associated costs with the new storm drain shall be responsibility of the developer;
21. The Developer shall provide landscaping along the northern property line of the development, which will be approved by the City Arborist;
22. All landscaping along the perimeter of the development shall be installed prior to the start of construction on any new homes; and
23. The project shall not be an age restricted development.

#### **Attachments**

- EXHIBIT A: Site plan, dated September 10, 2020
- RZ20-02 Application Packet
- Dunwoody Comprehensive Plan Excerpt
- Preliminary Landscape Plan

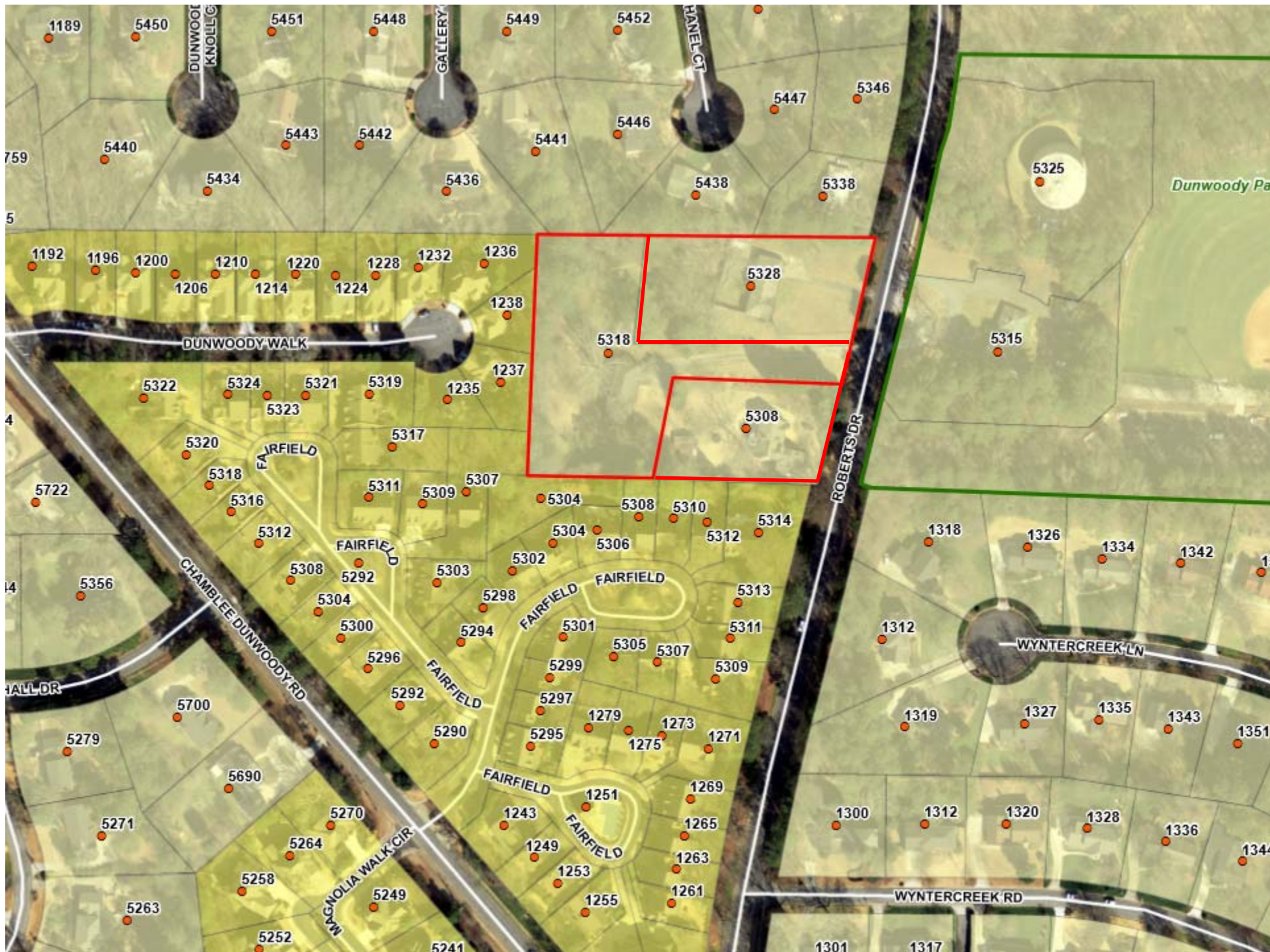
# City Council

## October 12, 2020 Meeting

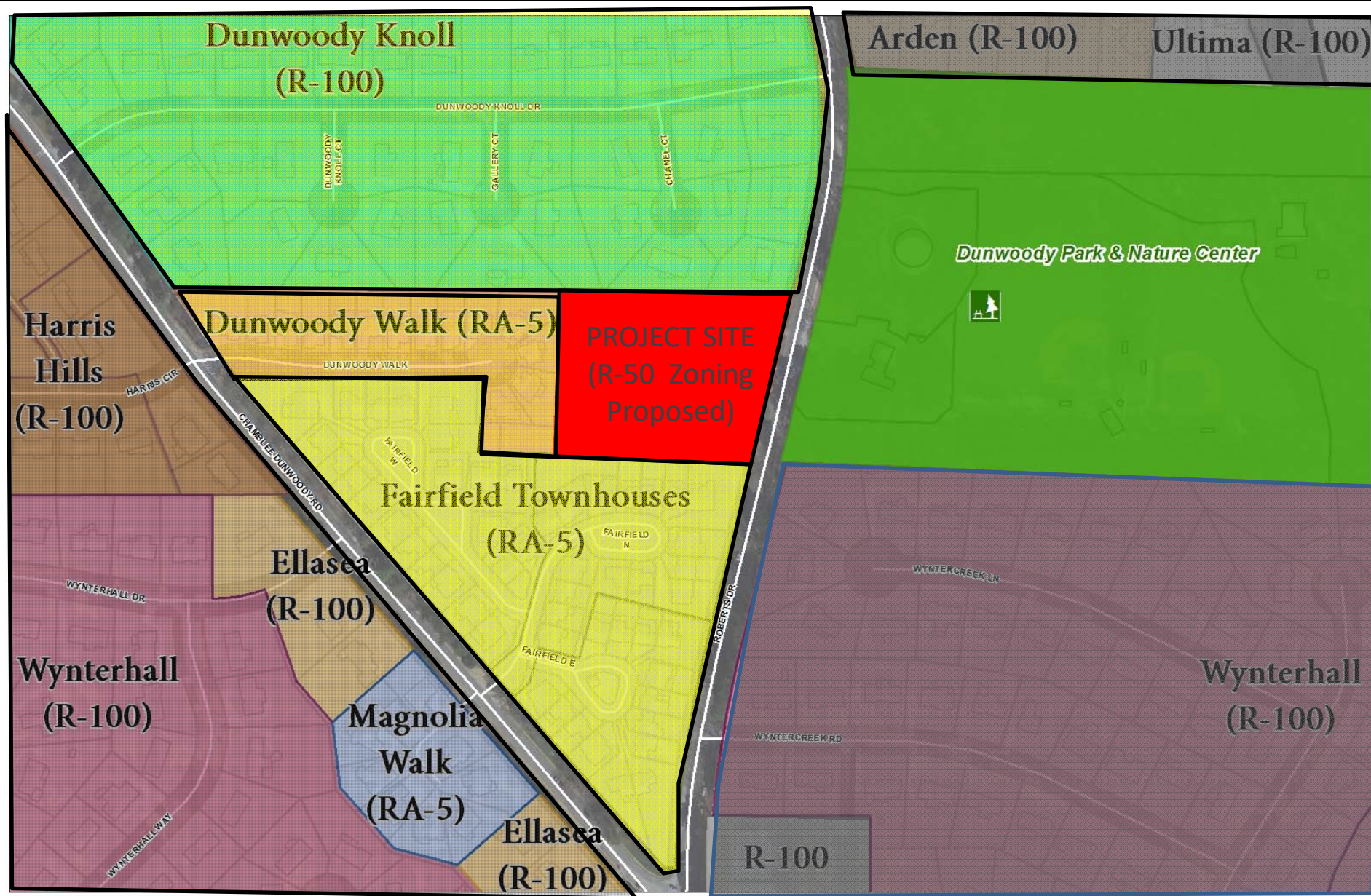


## City of Dunwoody, GA





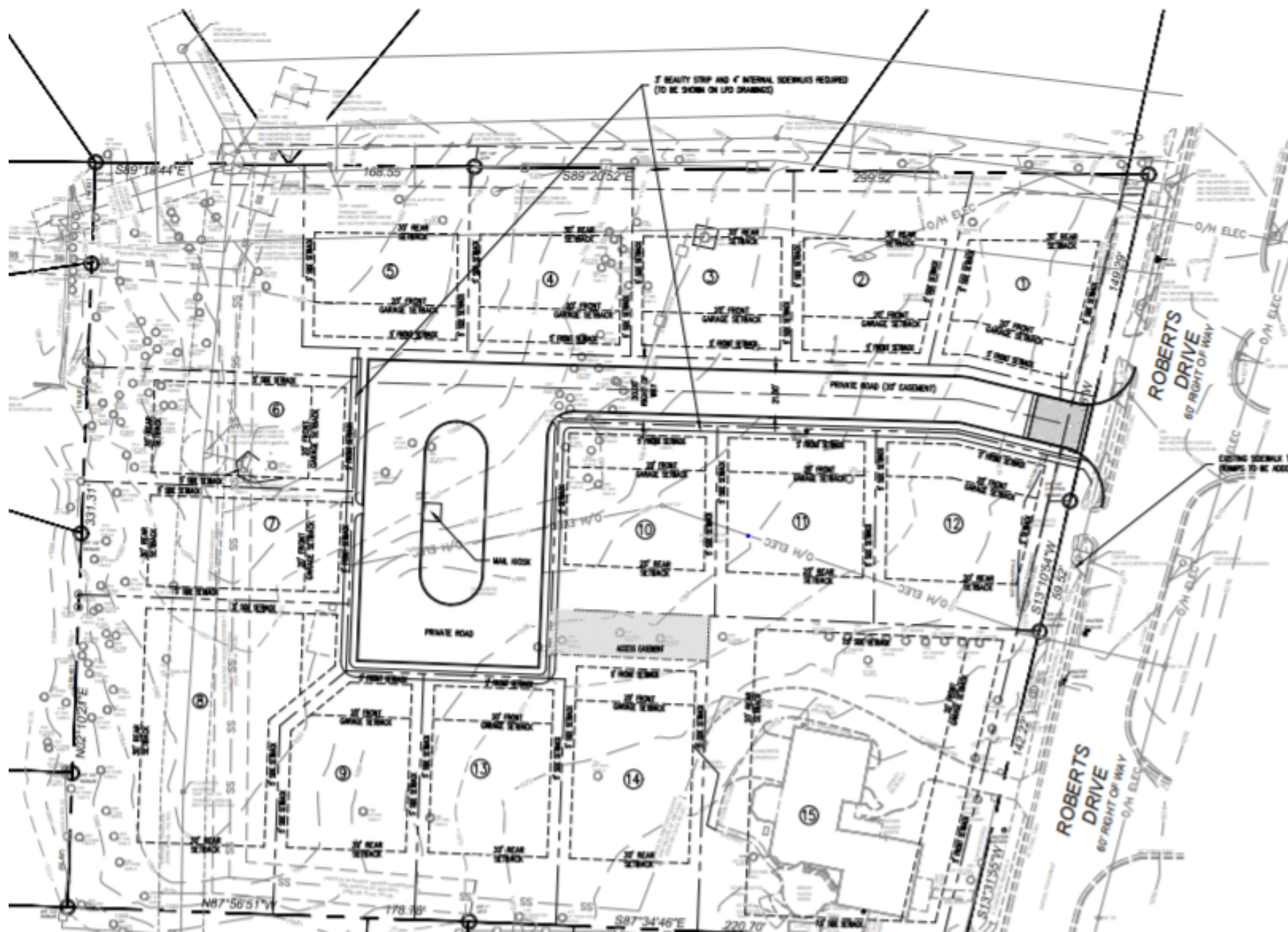






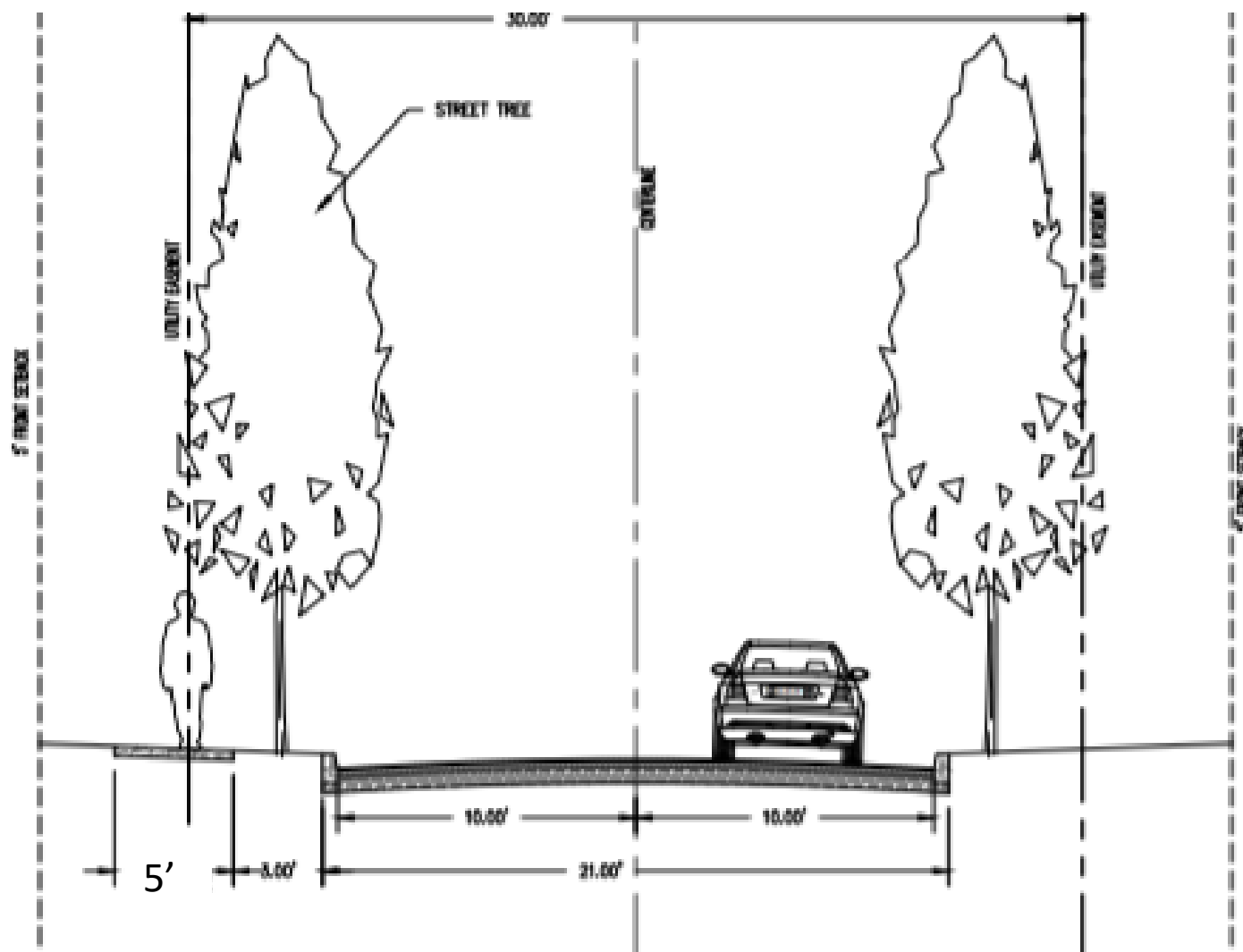


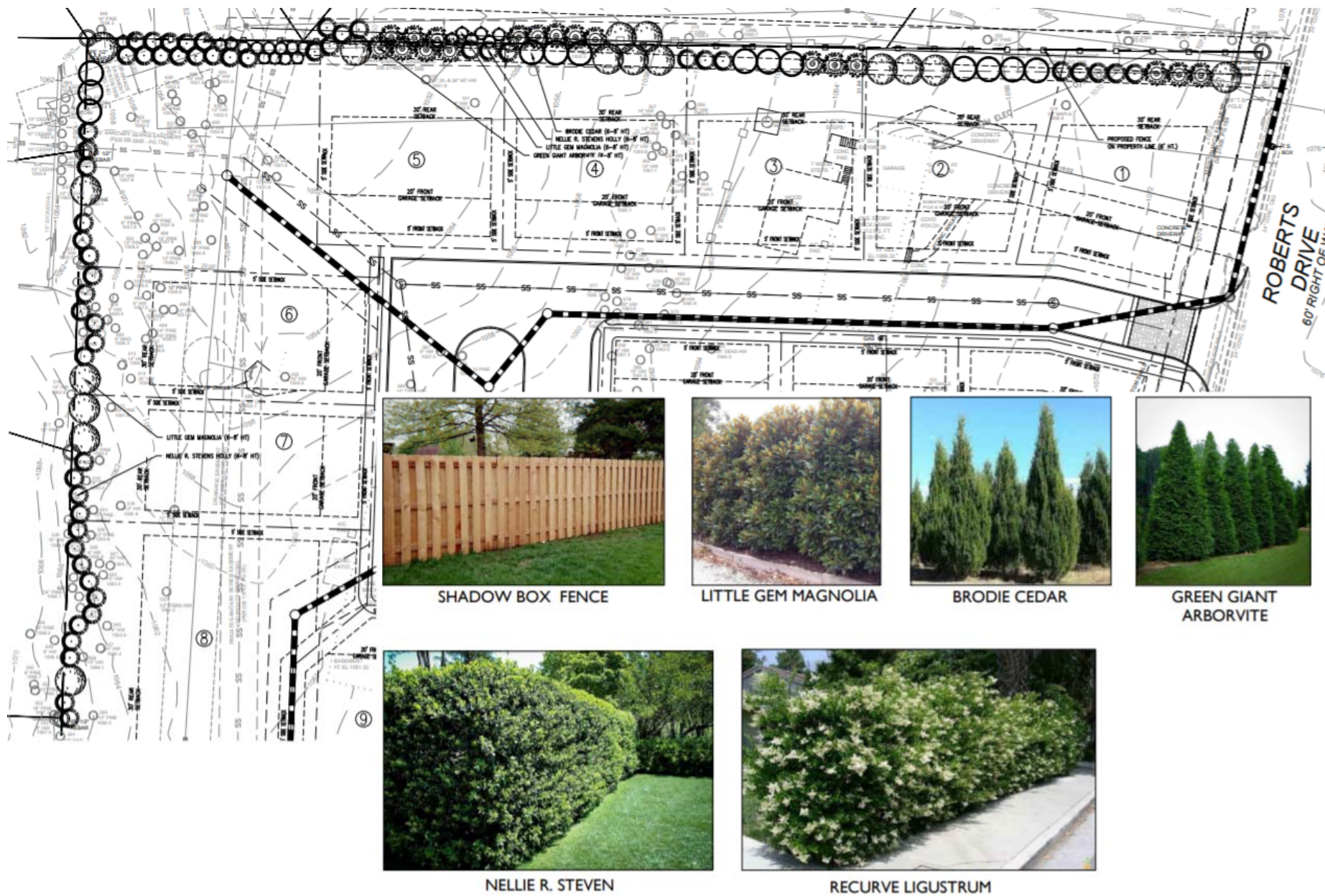






# TYPICAL ROAD SECTION



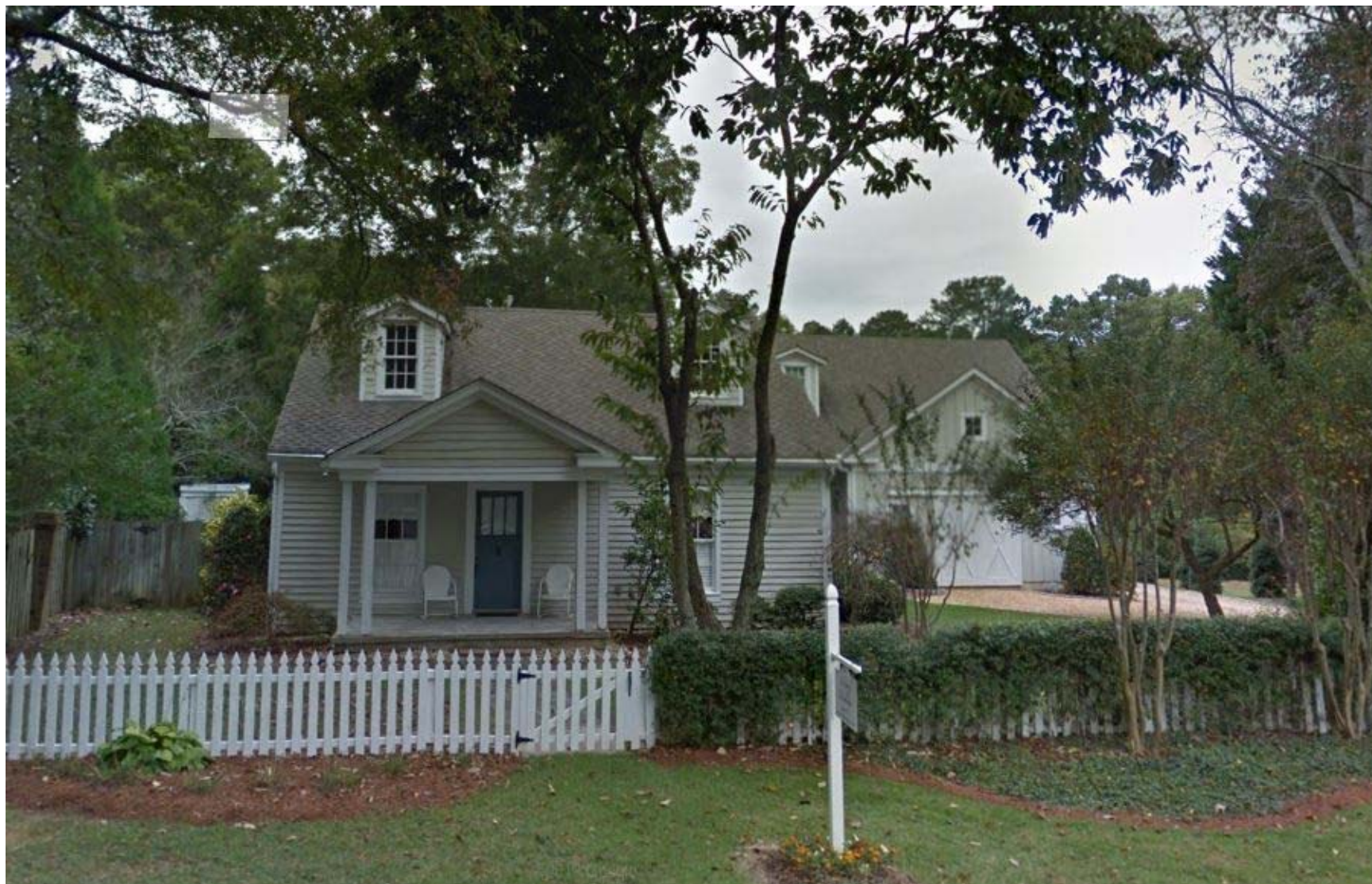


# Lot Density of Adjacent Property

| Subdivision         | Zoning | Density    |
|---------------------|--------|------------|
| Dunwoody Knoll      | R-100  | 2.13 DU/AC |
| Proposed Plan       | R-50   | 4.47 DU/AC |
| Dunwoody Walk       | RA-5   | 5.69 DU/AC |
| Fairfield Townhomes | RA-5   | 6.19 DU/AC |



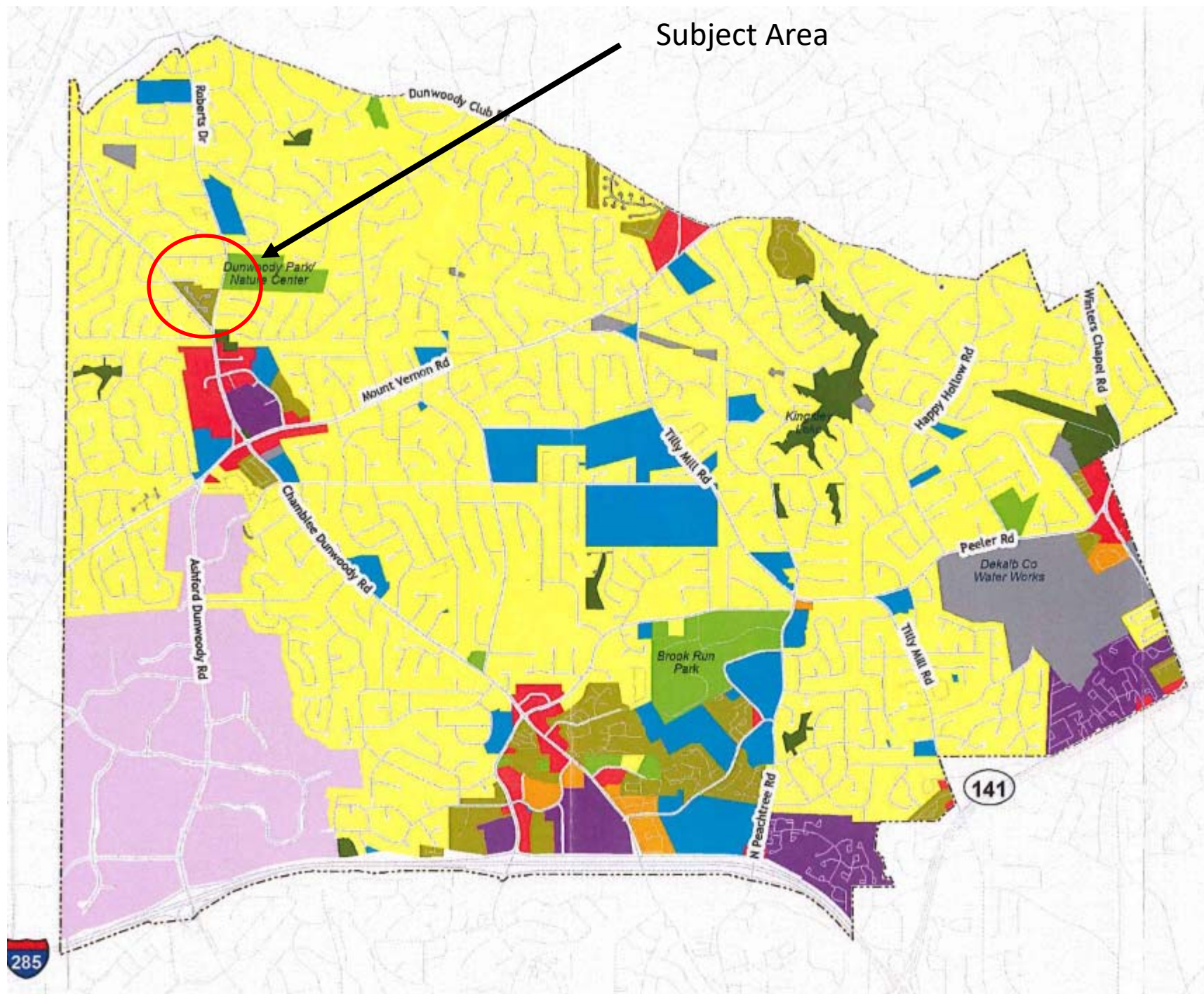
# Historic Swancy House to be saved





# Architecture








## 2.5 FUTURE LAND USE

The Future Land Use Map like the Character Areas map is a **visual representation of the City's future development policy**. Interpretation of the map is provided in the supporting text to be considered along with the City's zoning, the Character Areas Map, and other local policies when decision-makers consider land development questions or requests.

FIGURE 16: Future Land Uses Table

|  | LAND USE                    | DESCRIPTION   | ZONING CATEGORIES  |
|--|-----------------------------|---|--|
|  | Single Dwelling Residential | The predominant use of land is for single-family dwelling units, including detached, semi-attached or duplexes. | R- districts (R-150, R-100, R-85, R-75, R-60, <b>R-50</b> , RA, RA-5, RA-8, FCD, R-CH) |

R-50 supported by Comprehensive Plan as a future land use within Single-Dwelling Residential areas.

# PC recommendations

- Planning Commission voted 7-0 to approve with the following conditions:
- The developer shall construct a storm drain under the proposed private street and dedicate to the City. The new storm drain shall be similar in nature to the existing concrete storm drain on the northern section of the property. All associated costs with the new storm drain shall be responsibility of the developer;
- The Developer shall provide landscaping along the northern property line of the development, which will be approved by the City Arborist;
- All landscaping along the perimeter of the development shall be installed prior to the start of construction on any new homes; and
- The project shall not be an age restricted development.



## Staff recommendation: Approval with conditions

1. The site shall be developed in general conformity with “Exhibit A” with necessary changes to meet land development requirements, zoning regulations, conditions of zoning, and city arborist recommendations;
2. Prior to the issuance of a final plat, the Owner shall dedicate sufficient right of way along Roberts Drive so that it aligns with the property to the north and south; the existing fence that will subsequently be within the public right of way on lot 5308 Roberts Drive will be grandfathered as an existing condition provided that the owner enters into a right of way encroachment agreement with the City;
3. The City, in perpetuity, shall grandfather the existing shed located at 5308 Roberts Drive as a legal non-conforming structure that will not be required to be conforming if it is remolded or renovated; however, the shed cannot be relocated or extended and shall be torn down if the house is ever demolished.
4. All on-site utilities shall be buried underground;
5. The owner shall maintain the existing sidewalk along Roberts Drive making repairs/replacement as necessary for the development of the site. A five (5) foot wide sidewalk shall be installed on one side of the private road serving the development with trees spaced adequately apart behind the back of curb per “Exhibit A”;

7. No gates should be permitted at the entrance into the development;
8. There will be no requirement for an accel/decel lane on Roberts Drive in connections to the construction of an entrance to the development;

Architecture: The following shall apply to all new homes; these conditions shall not apply to the existing home currently at 5308 Roberts Drive;

9. Garage doors shall have appearance of wood doors. Garage doors constructed of metal may not be smooth or have polished metallic finish. Garage door glazing shall be limited to no greater than 25% of the garage door;
10. The following are the only materials allowed as exterior materials for the façade of the homes: brick, stone, wood, hard coat stucco, or cementitious building products in the form of traditional materials such as shake and siding;
11. No vinyl or aluminum siding shall be permitted on any façade;
12. All homes shall have a watertable detail on all sides of the home as follows:
  - a. Watertable shall be either brick, stone, or hard coat stucco.
  - b. Watertable shall be from the ground up to an approximate height equal to the first-floor finish elevation of the home so that there is no exposed foundation.

13. Windows may be constructed of wood or metal;
14. All street facing window muntin grids may be true divided light (TDL) or simulated dived light (SDL). Grills between glass (GBG) are not permitted;
15. All street facing chimneys shall originate at grade;
16. Shingles on roof must be of the architectural style. Any street facing roof with a pitch equal or less than 3/12 must be a standing steam metal or equal design;
17. All homes within the development shall contain the owner's bedroom and bathroom on the main floor.

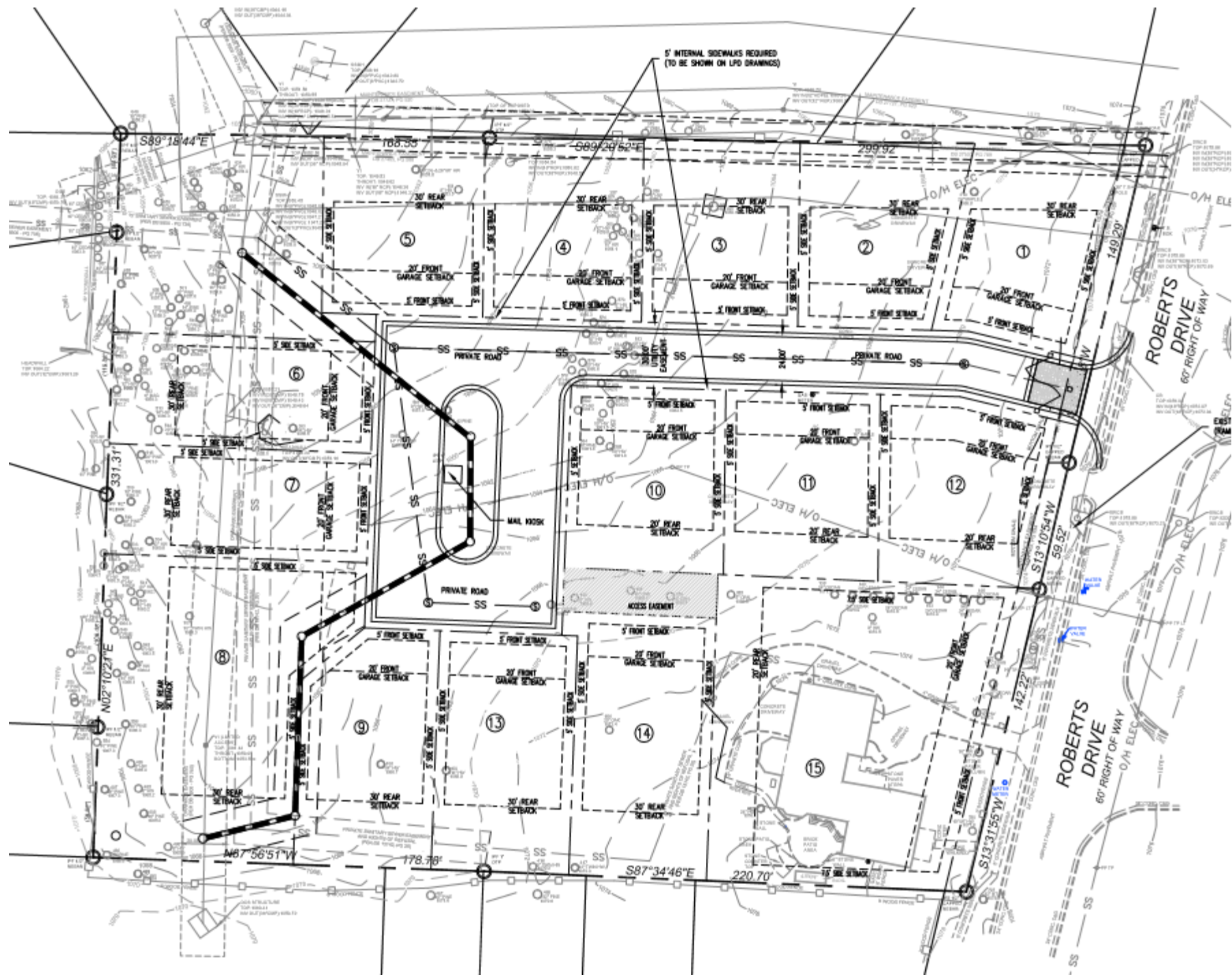
### Utilities

18. Any stormwater detention facility will be underground.

### Landscaping

19. Development shall have covenants that require a homeowners association wherein the landscaped entrance area, lawns, screening, street trees in the right of way, and open space are maintained by the homeowners association. Membership in the homeowners association is mandatory for owners of properties subject to these covenants. Maintenance shall require replacement of any dead, diseased, or removed shrubs or bushes that are part of the screening;
20. A wood fence around the three sides of property may be installed or if existing may be repaired or replaced by an 8' tall wood privacy shadow box fence.





**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2020-\_\_-\_\_**

**AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP FOR ZONING CONDITIONS FOR THE PARCELS LOCATED AT 5308, 5318 AND 5328 ROBERTS DRIVE FROM R-100 (SINGLE-DWELLING RESIDENTIAL-100) DISTRICT ZONING CLASSIFICATION TO A R-50 (SINGLE-DWELLING RESIDENTIAL-75) DISTRICT**

- WHEREAS:** Peachland Housing Group, Inc, seeks a rezoning from the R-100 (Single-dwelling Residential) District to an R-50 (Single-dwelling Residential) District. in order to develop a 15-lot single-family subdivision; and
- WHEREAS:** The Property consists of Tax Parcels 18-376-002-003, 18-376-002-006 and 18-376-02-005, which are directly across the street from the new Austin Elementary School, and contain a total of 3.3 acres of land that is currently zoned R-100 (single-family residential); and
- WHEREAS:** The proposed development would result in a unit density of 4.47 single family homes per acre; and
- WHEREAS:** The Mayor and City Council find that the proposed use aligns with the Suburban Neighborhood Character Area of the Dunwoody Comprehensive Plan, which is indicated to be approved for uses such as 'single-family residential' and 'aging in place appropriate residential' in a bicycle oriented area, consistent with the applicant's request; and
- WHEREAS:** An applicant initiated community meeting was held on Monday, July 6, 2020; 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 **ORDAIN AND APPROVE** the rezoning of said property from R-100 (Single-dwelling Residential) District zoning classification to a R-50 (Single-dwelling Residential) District subject to the following conditions:

EXHIBIT A: Site plan, dated September 10, 2020

1. The site shall be developed in general conformity with "Exhibit A" with necessary changes to meet land development requirements, zoning regulations, conditions of zoning, and city arborist recommendations;
2. Prior to the issuance of a final plat, the Owner shall dedicate sufficient right of way along Roberts Drive so that it aligns with the property to the north and south; the existing fence that will subsequently be within the public right of way on lot 5308 Roberts Drive will be grandfathered as an existing condition provided that the owner enters into a right of way encroachment agreement with the City;
3. The City, in perpetuity, shall grandfather the existing shed located at 5308 Roberts Drive as a legal non-conforming structure that will not be required to be conforming if it is

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2020-\_\_-\_\_**

remolded or renovated; however, the shed cannot be relocated or extended and shall be torn down if the house is ever demolished.

4. All on-site utilities shall be buried underground;
5. The owner shall maintain the existing sidewalk along Roberts Drive making repairs/replacement as necessary for the development of the site. A five (5) foot wide sidewalk shall be installed on one side of the private road serving the development with trees spaced adequately apart behind the back of curb per "Exhibit A";
6. No gates should be permitted at the entrance into the development;
7. There will be no requirement for an accel/decel lane on Roberts Drive in connections to the construction of an entrance to the development;

Architecture: The following shall apply to all new homes; these conditions shall not apply to the existing home currently at 5308 Roberts Drive;

8. Garage doors shall have appearance of wood doors. Garage doors constructed of metal may not be smooth or have polished metallic finish. Garage door glazing shall be limited to no greater than 25% of the garage door;
9. The following are the only materials allowed as exterior materials for the façade of the homes: brick, stone, wood, hard coat stucco, or cementitious building products in the form of traditional materials such as shake and siding;
10. No vinyl or aluminum siding shall be permitted on any façade;
11. All homes shall have a watertable detail on all sides of the home as follows:
  - a. Watertable shall be either brick, stone, or hard coat stucco.
  - b. Watertable shall be from the ground up to an approximate height equal to the first-floor finish elevation of the home so that there is no exposed foundation.
12. Windows may be constructed of wood or metal;
13. All street facing window muntin grids may be true divided light (TDL) or simulated divided light (SDL). Grills between glass (GBG) are not permitted;
14. All street facing chimneys shall originate at grade;
15. Shingles on roof must be of the architectural style. Any street facing roof with a pitch equal or less than 3/12 must be a standing seam metal or equal design;
16. All homes within the development shall contain the owner's bedroom and bathroom on the main floor.

Utilities

17. Any stormwater detention facility will be underground.

Landscaping

18. Development shall have covenants that require a homeowners association wherein the landscaped entrance area, lawns, screening, street trees in the right of way, and open space are maintained by the homeowners association. Membership in the homeowners association is mandatory for owners of properties subject to these covenants. Maintenance shall require replacement of any dead, diseased, or removed shrubs or bushes that are part of the screening;
19. A wood fence around the three sides of property may be installed or if existing may be repaired or replaced by an 8' tall wood privacy shadow box fence.

Planning Commission

20. The developer shall construct a storm drain under the proposed private street and dedicate to the City. The new storm drain shall be similar in nature to the existing concrete storm drain on the northern section of the property. All associated costs with the new storm drain shall be responsibility of the developer;

**STATE OF GEORGIA  
CITY OF DUNWOODY**

**ORDINANCE 2020-\_\_-\_\_**

21. The Developer shall provide landscaping along the northern property line of the development, which will be approved by the City Arborist;
22. All landscaping along the perimeter of the development shall be installed prior to the start of construction on any new homes; and
23. The project shall not be an age restricted development.

**SO ORDAINED AND EFFECTIVE** this \_\_\_\_ day of \_\_\_\_\_ 2020.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
Lynn Deutsch, Mayor

\_\_\_\_\_  
City Attorney

Attest:

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

SEAL



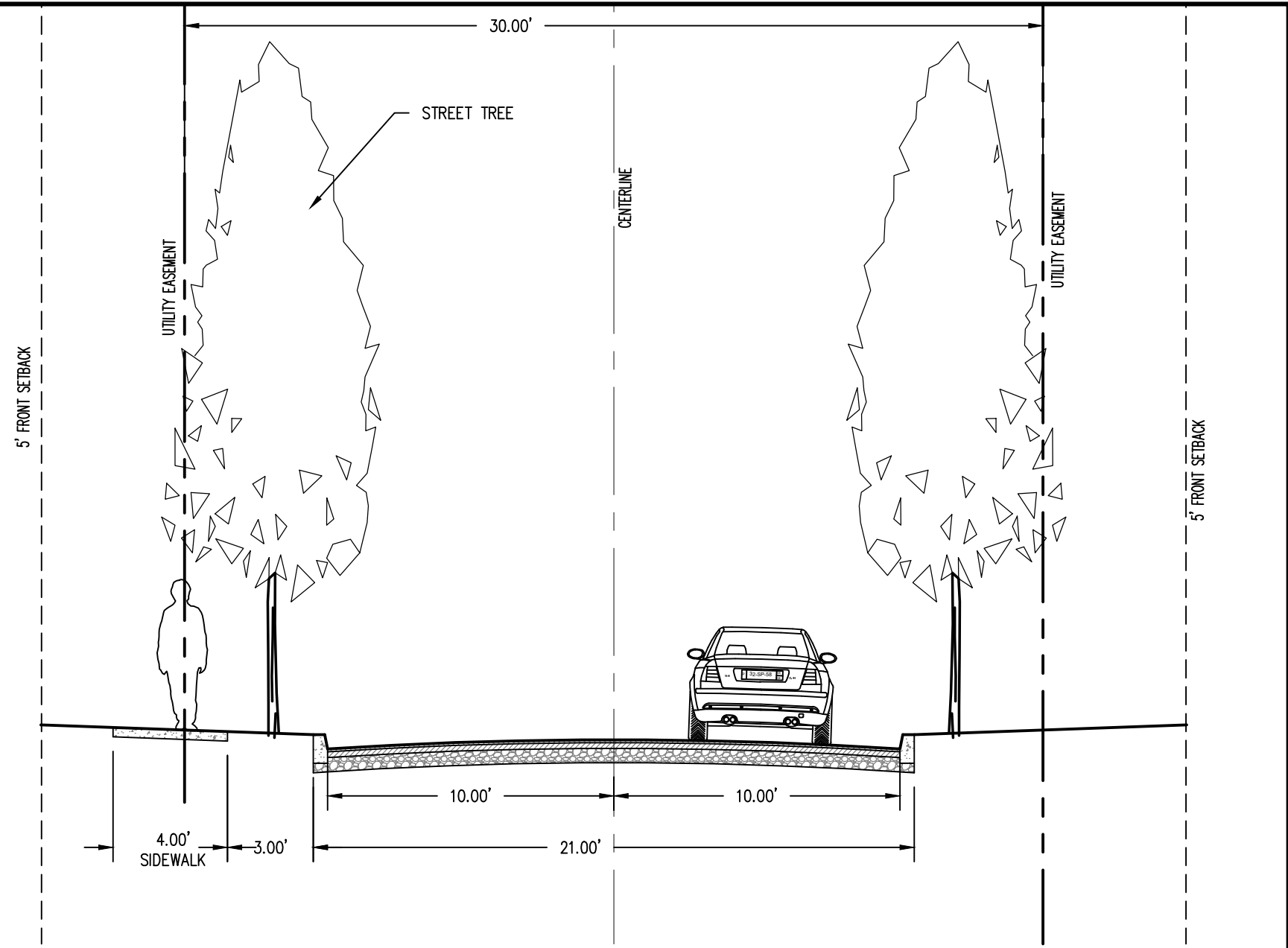


LOCATION MAP  
(N15)

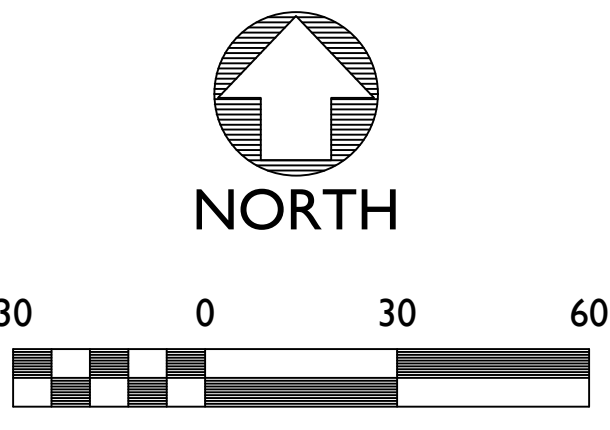


## TYPICAL ROAD SECTION

(SCALE 1"=5')



**AEC**  
CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE  
50 Warm Springs Circle  
Roswell • Georgia • 30075  
(770) 641-1942 • www.aecatl.com



## PRELIMINARY SITE PLAN

# DUNWOODY VILLAGE

DUNWOODY, FULTON COUNTY GEORGIA

## SITE DATA:

5308, 5318 & 5328 ROBERTS DRIVE  
DUNWOODY, GA

LANDLOT: 376  
18<sup>th</sup> DISTRICT

TAX MAP ID: 18 376 02 003  
18 376 02 006  
18 376 02 005

TOTAL ACREAGE: 3.351 AC±  
EXISTING ZONING: R-100  
FUTURE LAND USE: RESIDENTIAL

PROPOSED ZONING: R-50

MINIMUM LOT SIZE: 6,000 S.F.  
MINIMUM LOT FRONTAGE: 50' (35' CUL DE SAC)  
MAXIMUM DENSITY: 5 UNITS/ ACRE  
ACTUAL DENSITY: 4.47 UNITS/ ACRE

STREET FRONT AND SIDE: 5'  
GARAGE FRONT: 20'  
SIDE: 5' (VARIANCE REQUESTED)  
REAR INTERIOR: 20' (VARIANCE REQUESTED)  
REAR EXTERIOR: 30'

MAXIMUM BUILDING LOT COVERAGE: 85% (VARIANCE REQUESTED)  
MAXIMUM BUILDING HEIGHT: 35'

## LOT TABLE

| LOT NUMBER | LOT AREA (S.F.) | LOT FRONTAGE |
|------------|-----------------|--------------|
| 1          | 6,115           | 66           |
| 2          | 6,007           | 60           |
| 3          | 6,002           | 71           |
| 4          | 6,008           | 72           |
| 5          | 6,004           | 73           |
| 6          | 6,114           | 51           |
| 7          | 6,026           | 50           |
| 8          | 13,927          | 50           |
| 9          | 6,526           | 40           |
| 10         | 6,012           | 70           |
| 11         | 6,004           | 70           |
| 12         | 6,002           | 79           |
| 13         | 6,888           | 63           |
| 14         | 9,073           | 70           |
| 15         | 17,257          | 141          |

## APPLICANT:

PEACHLAND HOMES, INC.  
2494 JETT FERRY ROAD  
SUITE 202  
DUNWOODY, GEORGIA 30038  
CONTACT: TY WHITE (770)844-9976

## NOTE:

- EXISTING STRUCTURES WILL BE REMOVED UNLESS OTHERWISE NOTED.
- TRASH PICK UP FOR THE DEVELOPMENT WILL BE RESIDENTIAL CONTAINER PICK UP AT EACH DRIVEWAY.
- REFERENCE BOUNDARY SURVEY BY 303 ENGINEERING DATED JUNE 8, 2018.
- TOPOGRAPHIC INFORMATION IS BASED UPON CITY OF DUNWOODY GIS.

## PROPERTY LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LAYING AND BEING IN LAND LOT 376 OF 18<sup>TH</sup> DISTRICT, OF DUNWOODY, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERN RIGHT OF WAY (ROW) OF ROBERTS DRIVE AND THE EASTERN RIGHT OF WAY OF CHAMBLEE DUNWOODY ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE WESTERN RIGHT OF WAY OF ROBERTS DRIVE A DISTANCE OF 842.2 FEET TO A POINT, SAID POINT BEING ON THE SUBJECT PROPERTY CORNER AND IS THE TRUE POINT OF BEGINNING.

THENCE DEPARTING THE ROW OF ROBERTS DRIVE, N 87° 39' 45" W FOR A DISTANCE OF 211.0 FEET TO A POINT ON A LINE. THENCE N 88° 02' 00" W FOR A DISTANCE OF 178.83 FEET TO A POINT ON A LINE. THENCE N 02° 09' 10" E FOR A DISTANCE OF 331.26 FEET TO A POINT ON A LINE. THENCE S 89° 25' 14" E FOR A DISTANCE OF 168.50 FEET TO A POINT ON A LINE. THENCE S 89° 14' 08" E FOR A DISTANCE OF 300.11 FEET TO A POINT ON A LINE. SAID POINT BEING ON THE ROW OF ROBERTS DRIVE. THENCE RUNNING ALONG SAID ROW, S 13° 32' 03" W FOR A DISTANCE OF 149.23 FEET TO A POINT ON A LINE. THENCE S 13° 07' 41" W FOR A DISTANCE OF 59.63 FEET TO A POINT ON A LINE. THENCE S 13° 31' 03" W FOR A DISTANCE OF 141.22 FEET TO A POINT ON A LINE. SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 3.351 ACRES (149,569 SQUARE FEET).

## PROJECT INFORMATION

PROJECT NO.:  
DATE: MAY 27, 2020, REVISED: SEPTEMBER 9, 2020  
SCALE: 1" = 30'  
FILE NAME: DN P03.dwg  
DESIGN/DRAWN: slr/sch



# AMENDMENT APPLICATION



## Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
Phone: (678) 382-6800 | Fax: (770) 396-4828

### \* Applicant Information:

|   |                                      |      |         |
|---|--------------------------------------|------|---------|
| Company Name:                               | <u>Peachland Housing Group, Inc.</u> |      |         |
| Contact Name:                               | <u>Ty White</u>                      |      |         |
| Address:                                    | <u>2494 Jett Ferry Road, Ste 201</u> |      |         |
| Phone:                                      | <u>678-961-0435</u>                  | Fax: | <u></u> |
| Email:                                      | <u>robmiller@tmgleasing.com</u>      |      |         |
| Pre-application conference date (required): | <u>May 28, 2020</u>                  |      |         |

### \* Owner Information: ☐ Check here if same as applicant

|                  |                                 |      |         |
|------------------|---------------------------------|------|---------|
| Owner's Name:    | <u>Assemblage, See attached</u> |      |         |
| Owner's Address: | <u></u>                         |      |         |
| Phone:           | <u></u>                         | Fax: | <u></u> |
| Email:           | <u></u>                         |      |         |

### \* Property Information:

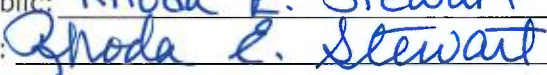
|                                  |                                       |            |                             |
|----------------------------------|---------------------------------------|------------|-----------------------------|
| Property Address:                | <u>5308, 5318, 5328 Roberts Drive</u> | Parcel ID: | <u>18-37-02-003,005,006</u> |
| Current Zoning Classification:   | <u>R-100</u>                          |            |                             |
| Requested Zoning Classification: | <u>R-50</u>                           |            |                             |

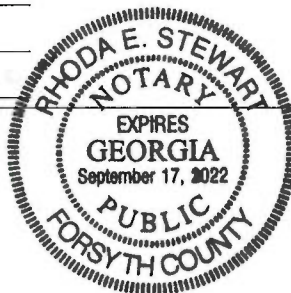
### \* Applicant Affidavit:

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:      | <u>Ty White</u>   |
| Applicant's Signature: | <u></u> |
| Date:                  | <u>06/10/2020</u>   |

### \* Notary:

|  |  |        |             |      |           |
|--|--|--------|-------------|------|-----------|
| Sworn to and subscribed before me this | <u>10th</u>  | Day of | <u>June</u> | , 20 | <u>20</u> |
| Notary Public:                         | <u>Rhoda E. Stewart</u>  |        |             |      |           |
| Signature:                             | <u></u> |        |             |      |           |
| My Commission Expires:                 | <u></u>  |        |             |      |           |



Peachland Housing Group Amendment Application  
Property Owners

Parcel ID 18 376 02 003

5308 Roberts Dr.

David Girard Haverty and Janice Rock Haverty

5308 Roberts Dr.

Dunwoody, GA 30338

Parcel ID 18 376 02 006

5318 Roberts Dr.

RRR 2018, LLC

6815 Crooked Creek Rd. STE C

Norcross, GA 30092

Parcel ID 18 376 02 005

5328 Roberts Dr.

Kenneth Scott Faulkner

5328 Roberts Dr.

Dunwoody, GA 30338

# ANDERSEN | TATE | CARR

**Shaun R. Adams**  
Email: [sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 678.518.6855  
Direct Fax: 770.236.9702

July 7, 2020

## **VIA HAND DELIVERY**

City of Dunwoody  
Attn: Richard McCleod, Community Development Director  
4800 Ashford Dunwoody Road  
Dunwoody, Ga 30338

**RE: Neighborhood Meeting Summary for Applicant, Peachland Housing Group, Inc., Regarding Rezoning Application for Property Located on Roberts Drive in the City of Dunwoody, GA 30338**

Mayor, Council, Director and Staff:

Andersen, Tate & Carr, P.C. submits this Neighborhood Meeting Summary ("Summary") on behalf of the Applicant, Peachland Housing Group, Inc. (the "Applicant") pursuant to Section 27-306 of the Dunwoody Unified Development Code ("UDC"). The Summary sets forth the Applicant's efforts with advertising and informing the neighbors of the proposed development as it relates to the rezoning application for 5308, 5318, and 5328 Roberts Drive, Dunwoody, Ga 30338 ("Subject Property"). The Parcel IDs for the Subject Property are: 18-37-03-003, 18-37-02-005, and 18-37-02-006.

## **Summary of Applicant Initiated Meeting:**

- Applicant held its mandatory applicant-initiated meeting for this application on Monday, July 6, 2020 at 6pm at the Subject Property known as 5328 Roberts Drive in Dunwoody.
- Pursuant to the UDC, the Applicant advertised the meeting in the Dunwoody Crier and is attached hereto as Exhibit A.
- The Applicant mailed a notification letter to all adjacent property owners pursuant to the UDC. The letter is attached hereto as Exhibit B.
- A copy of the sign in sheet for the meeting is attached hereto as Exhibit C.
- The Applicant provided a brief presentation of the proposed project and distributed a handout to the attendees.
- The three main concerns that came from the meeting include buffer, stormwater and traffic.

- The Applicant addressed the buffer by committing to working with the adjacent property owners on a landscape plan that would achieve the desired buffer and privacy while keeping in mind that the RA-5 community is at a higher density than the proposed development.
- With Regard to traffic, the Applicant compared the traffic impact of the proposed senior oriented development to that of an R-100 community on the same site or a non-senior oriented community which seemed to alleviate some of the traffic concerns.
- Many of the downstream residents had concerns over stormwater management. The Applicant addressed concerns by committing to working with the City to develop a stormwater detention solution that would not adversely impact the flow downstream.
- After answering all of the attendees' questions, the meeting was adjourned and the Applicant committed to remaining in contact with the neighbors as they move through the process.

The Applicant will continue to keep the Planning Department and the City informed as to any new developments relating to public participation efforts as necessary or required by the UDC.

Sincerely,  
**ANDERSEN, TATE & CARR, P.C.**



Shaun R. Adams  
Attorney for the Applicant





Phone: **770-442-3278** ■ [www.northfulton.com](http://www.northfulton.com)  
[advertising@appenmediagroup.com](mailto:advertising@appenmediagroup.com)  
 319 North Main Street, Alpharetta

**AD PROOF #1**

**INSTRUCTIONS:** Please carefully review the entire ad paying special attention spelling and accuracy. Email approval or revisions to [advertising@appenmediagroup.com](mailto:advertising@appenmediagroup.com). Revisions will be made and one revised proof will be sent. Revisions requested beyond the second proof could incur a design charge. Proofs not returned by the specified time risk not being published. Please keep in mind that this proof is low resolution. The actual ad will print high quality.

**AD IMAGE#:**

**File Name:** RM\_100\_061820\_1-8h

**First Run Date:** **061820**

**File Location:** T:\ADS\_2020\Robert Miller

**Account Exec:** Jim

**Production Artist:** David

**This Revision:**

**COMMUNITY MEETING**

There will be a Community Meeting regarding an application to rezone property located at 5308, 5318 & 5328 Roberts Drive in the City of Dunwoody from the current R-100 (Single-dwelling Residential) zoning district to R-50 (Single-dwelling Residential) zoning district for the purpose of developing a 15 lot "empty nester" (55+ age restricted) housing community. The meeting will be held at 6:00 pm on Monday July 6, 2020 at 5328 Roberts Drive, Dunwoody Georgia 30338.

**PROOF**  
 APPEN MEDIA GROUP, INC.

**EMAIL PROOF TO:**

- ☒ **APPROVED AS IS**  
☐ **APPROVED WITH CHANGES**  
☐ **NEW PROOF REQUIRED**

**SIGNATURE:**

**DATE:** 06/12/2020

- **Files not guaranteed:** Anything provided in Microsoft Word, Works, Publisher, Paint and PowerPoint; Images with a resolution of less than 200 DPI; camera-ready ads/graphics not built in CMYK.
- The colors in this reference-only proof may differ from the final ad. Four-color (CMYK) process printing does not match computer-created proofs.
- All ads designed by the Appen Media Group, Inc. production department are the sole property of Appen Media Group, Inc. Any reproduction or redistribution in part or whole without the written permission of Appen Media Group, Inc. is prohibited. © 2011, Appen Media Group, Inc.
- All advertising materials (photos, illustrations, trademarks, language, etc.) submitted by the client are understood to be under the ownership of the client. Appen Media Group, Inc. accepts no ownership or liability from the use or accuracy of these materials.
- **Your final approval via signature is required for ad to run. Advertiser's signature guarantees payment for this ad and authorizes it to run. If this proof is not returned by the above date, Appen Media Group, Inc. assumes that your ad is correct and will bear no liability for any errors. Your ad will be printed as shown and you agree you will be responsible for payment.**

# ANDERSEN | TATE | CARR

Shaun R. Adams

Email: [sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

Telephone: 770.822.0900

Direct Dial: 678.518.6855

Direct Fax: 770.236.9702

June 12, 2020

RE: Community Meeting for Rezoning Application  
Peachland Housing Group, Inc.

Dear Neighbor:

In an effort to foster community accord among neighbors, Peachland Housing Group, Inc. (the "Applicant") would like to invite you to attend a community meeting to discuss the rezoning application filed for the property located at 5308, 5318 and 5328 Roberts Drive in the City of Dunwoody.

The Applicant is seeking to rezone the property from the current R-100 (Single-dwelling Residential) zoning district to R-50 (Single-dwelling Residential) zoning district for the purpose of developing a fifteen (15) lot "empty nester" (55+ age restricted) housing community.

**The community meeting will be held on Monday, July 6, 2020 at 6:00 pm at 5328 Roberts Drive, Dunwoody, Georgia 30338.** This meeting is not the public hearing. This meeting is to provide neighbors and interested parties with the opportunity to meet with the Applicant's representatives, ask questions, and voice any concerns.

The Applicant is committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please contact me. When contacting our office, please reference Peachland Housing Group so that we may facilitate your request more efficiently.

Sincerely,

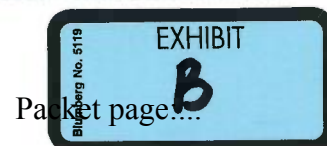
*Shaun R. Adams*

Shaun R. Adams

(770) 822-0900

[sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

SRA/ag





## PUBLIC MEETING SIGN - IN SUBJECT

NAMEADDRESS

Robert Miller 2494 50th Ferry Rd

Ty WHITE

8186 Hewlett Road, Sandy Springs 30350

Pat &amp; Dick TROXEL - 5302 Fairfield N. 30338

A. Melanie BRENT 1259 Fairfield E.

ADAM DRAST 5263 WYNTERHALL WALK

ADRIENNE DUNCAN DHA

BARBARA &amp; FRANK GILMAN 5447 Chanel Court

ROBERT WITTENSTEIN 1146 BORDEAU COURT Dunwoody 30338

JUDY WICKS 1224 Dunwoody Walk 30338

ALAN WICKS "

ELISABETH &amp; RON LANDRY, 1236

Simone Godwin 5328 Roberts Dr.

Su Ellis 1621 Dunwoody Ct.

MIKE MCGANNON 5449 Gallery Ct

WALLY LETSON 5448 " "

# ANDERSEN | TATE | CARR

**Shaun R. Adams**  
Email: [sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 678.518.6855  
Direct Fax: 770.236.9702

July 7, 2020

## **VIA HAND DELIVERY**

City of Dunwoody  
Attn: Richard McCleod, Community Development Director  
4800 Ashford Dunwoody Road  
Dunwoody, Ga 30338

**RE: Letter of Intent for Applicant, Peachland Housing Group, Inc., to Rezone Property on Roberts Drive in the City of Dunwoody, GA 30338**

Mayor, Council, Director and Staff:

Andersen, Tate & Carr, P.C. submits this Letter of Intent and attached Rezoning Application ("Application") on behalf of the Applicant, Peachland Housing Group, Inc. (the "Applicant") for the purpose of requesting a rezoning three parcels from R-100 to R-50 on approximately 3.35 acres located on the western side of the Roberts Drive across from Austin Elementary School and identified as 5308, 5318, and 5328 Roberts Drive, Dunwoody, Ga 30338 ("Subject Property"). The Parcel IDs for the Subject Property are: 18-37-03-003, 18-37-02-005, and 18-37-02-006.

The Subject Property currently contains three single family homes. The Applicant intends to redevelop the site for use as a gated, empty nester housing community with 15 single family detached homes. The Applicant will be seeking the following three associated variances with the proposed development as depicted on the site plan provided with the Application: side setback (5'), rear internal setback (20') and maximum building lot coverage (85%). The remaining setbacks and buffers are proposed in accordance with the City's Land Development Ordinance.

The proposed redevelopment fills an identified need in the City of Dunwoody 2015-2035 Comprehensive Plan ("Comprehensive Plan") by proposing a senior appropriate housing option utilizing universal design which meets the changing needs of residents as they age. The Comprehensive Plan places a priority on making aging in place a more achievable reality while providing a greater variety in senior appropriate housing options. Additionally, the City's Vision statement in the Comprehensive Plan desires for residents to "thrive through all stages of life" by providing a sustainable mix of land uses. While the Subject Property currently resides in the Suburban Neighborhood Character Area, its proximity to Dunwoody Village furthers the City's mission of creating walkable neighborhoods that use universal design in targeted redevelopment areas that offer a greater variety of housing options for residents to age in place.

The Subject Property is in an appropriate location for the proposed development and conforms to the City's Future Land Use Map, resulting in little to no impact to the surrounding

properties or schools. The Subject Property sits on a major thoroughfare with nearby access to sanitary sewer and is walkable to Dunwoody Village.

The Applicant welcomes the opportunity to meet with the staff of the City of Dunwoody Department of Community Development to answer any questions or to address any concerns relating to this letter or the requested rezoning. The Applicant respectfully requests your favorable consideration of this Application.

Respectfully Submitted,

**ANDERSEN, TATE & CARR, P.C.**

A handwritten signature in blue ink, appearing to read 'Shaun R. Adams', is written over the printed name.

Shaun R. Adams, Esq.  
Attorney for the Applicant



# ANDERSEN | TATE | CARR

**Shaun R. Adams**  
Email: [sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 678.518.6855  
Direct Fax: 770.236.9702

July 7, 2020

## **VIA HAND DELIVERY**

City of Dunwoody  
Attn: Richard McCleod, Community Development Director  
4800 Ashford Dunwoody Road  
Dunwoody, Ga 30338

**RE: Justification to Rezone Property Located at 5308, 5318, and 5328 Roberts Drive, Dunwoody, GA 30338 for Applicant, Peachland Housing Group, Inc.**

Mayor, Council, Director and Staff:

This letter is written on behalf of Peachland Housing Group, Inc. (the "Applicant"), in connection with the rezoning application for property located at 5308, 5318, 5328 Roberts Drive, Georgia, (the "Subject Property").

## **Constitutional Objections**

The portions of the "City of Dunwoody Land Development Ordinance" (the "Ordinance") which classify or may classify the Subject Property which is the subject of the rezoning and variance application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Ordinance, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the Ordinance in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.<sup>1</sup>

---

<sup>1</sup> *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

The Subject Property is presently suitable for development under the R-50 classification as requested by the Applicant and is not economically suitable for development under its present R-100 zoning classification of under the Ordinance. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Mayor and Council of the City of Dunwoody without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Mayor and Council of the City of Dunwoody to rezone the Subject Property to the R-50 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the R-50 classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning and associated variance application submitted by the Applicant relative to the Subject Property be granted and that the Subject Property be rezoned to the zoning classification as shown on the respective application.

Respectfully,

**ANDERSEN, TATE & CARR, P.C.**



Shaun R. Adams, Esq.  
Attorney for the Applicant

# Property Owner(s) Notarized Certification

## Community Development

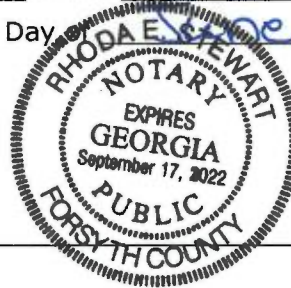
4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

The owner and petitioner acknowledge that this 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.

### \* Property Owner (If Applicable):

|  |  |
|--|--|
| Signature: <u>[Signature] for RRR 2015 LLC</u>                                       | Date: <u>6/16/2020</u>                           |
| Address: <u>5064 Nemelun Ln ste C Dunwoody, GA 30338</u>                             |  |
| Phone: <u>404-569-5904</u>   | Fax: _____ Email: <u>cmr@rockriverrealty.com</u> |
| Sworn to and subscribed before me this <u>10th</u> Day of <u>June</u> , 20 <u>20</u> |  |
| Notary Public:<br><u>Rhoda E. Stewart</u>  |  |



### \* 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: _____  |                         |



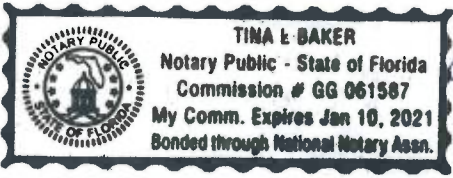


# Property Owner(s) Notarized Certification

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
Phone: (678) 382-6800 | Fax: (770) 396-4828

The owner and petitioner acknowledge that this 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.

## \* Property Owner (If Applicable):

|  |  |
|--|--|
| Signature: <u>Scott Faulkner (Kenneth Scott Faulkner)</u>                            | Date: <u>6-11-20</u>   |
| Address: <u>5328 Roberts Dr. Atlanta GA 30338</u>                                    |  |
| Phone: <u>770-630-1731</u>   | Fax: <u>                    </u> Email: <u>k5faulkner@bellsouth.net</u>                                |
| Sworn to and subscribed before me this <u>11th</u> Day of <u>June</u> , 20 <u>20</u> |  |
| Notary Public:   |  <u>Tina L. Baker</u> |

## \* 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: _____  |                         |



## Campaign Disclosure Statement

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
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:**

Signature:  Date: 06/10/2020

Address: 2494 Jett Ferry Road, Ste 201 Dunwoody, GA 30338

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

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |

# Campaign Disclosure Statement



Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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:** Shaun Adams, Esq., Andersen, Tate & Carr, P.C., Attorney for Applicant

Signature:  Date: 7/7/20

Address: 1960 Satellite Blvd., Suite 4000 Duluth, GA 30097

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

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |



## Roberts Drive Zoning Map Amendment Response

- A) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

**Yes. The proposed development addresses a priority for senior appropriate housing as identified in 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:

**Yes. The proposed development will act as a transitional zoning between adjacent RA-5 and R-100 properties.**

- C) Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:

**No. The properties subject to rezoning do not have a reasonable economic use under its current R-100 zoning.**

- D) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

**No. The proposed development will not adversely affect the use or usability of adjacent property as it is less dense than the adjacent RA-5 neighborhood and will provide adequate buffering to the adjacent R-100 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:

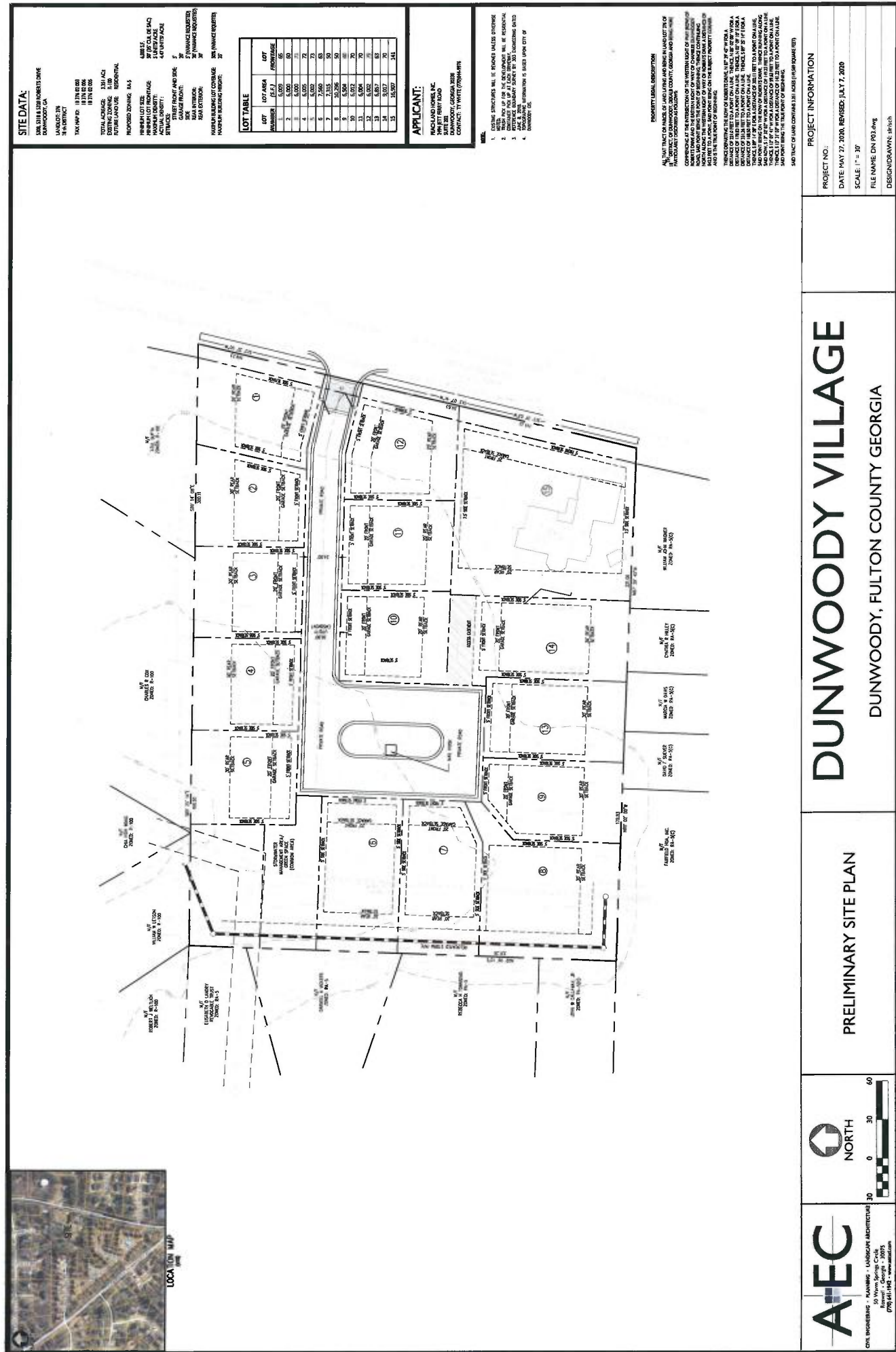
**Yes. The proposed development will use a universal design to provide a variety of senior appropriate housing options in a walkable location to Dunwoody Village that will allow residents to thrive in all stages of life while addressing a priority within the comprehensive plan.**

- F) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

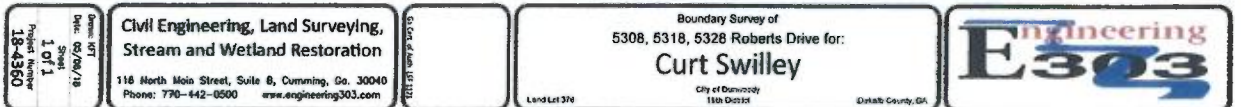
**No. The proposed development will not adversely affect historic buildings, sites, districts, or archaeological resources.**

- 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:

**No. The proposed use will be for a senior oriented community and will have no impact on schools. Additionally, the proposed development resides on a main residential road through the City with convenient access to existing a major thoroughfare, utilities, sewer, and nearby Dunwoody Village.**









# THE COTTAGES

5308, 5318 & 5328 Roberts Drive, Dunwoody GA

Empty Nester Community Concept

Land Planning, Product & Lifestyle Overview

# The Cottage Concept

## Land Planning Overview

---

1. Vision Overview
2. Community Concept
3. Architecture
4. Land Use Request





**Our Vision:** To create an enclave of fifteen homes with timeless architecture, emphasis on proper scale, connective land planning and beautiful landscaping that provides the best in class community for **Dunwoody's empty nesters.**

# Themes for Design



The Homes: A sense of time and place. Designed for empty nesters with emphasis on main level living. The owner's bedroom, kitchen and casual living areas which are connected to the outdoor areas (covered porches, rear patios). The homes will be 1 ½ stories in scale and feature classic architectural styles that fit their scale. Traditional materials for the exteriors will be brick, stone, and wood.



Connection to the Community: The idea is to create an environment to allow connection to community on "your front porch." The homes will sit closer to the community's street. More emphasis on front porches less on the garages with the fronts of the home. Wide internal sidewalks in the community and pedestrian scale street lighting along the street.



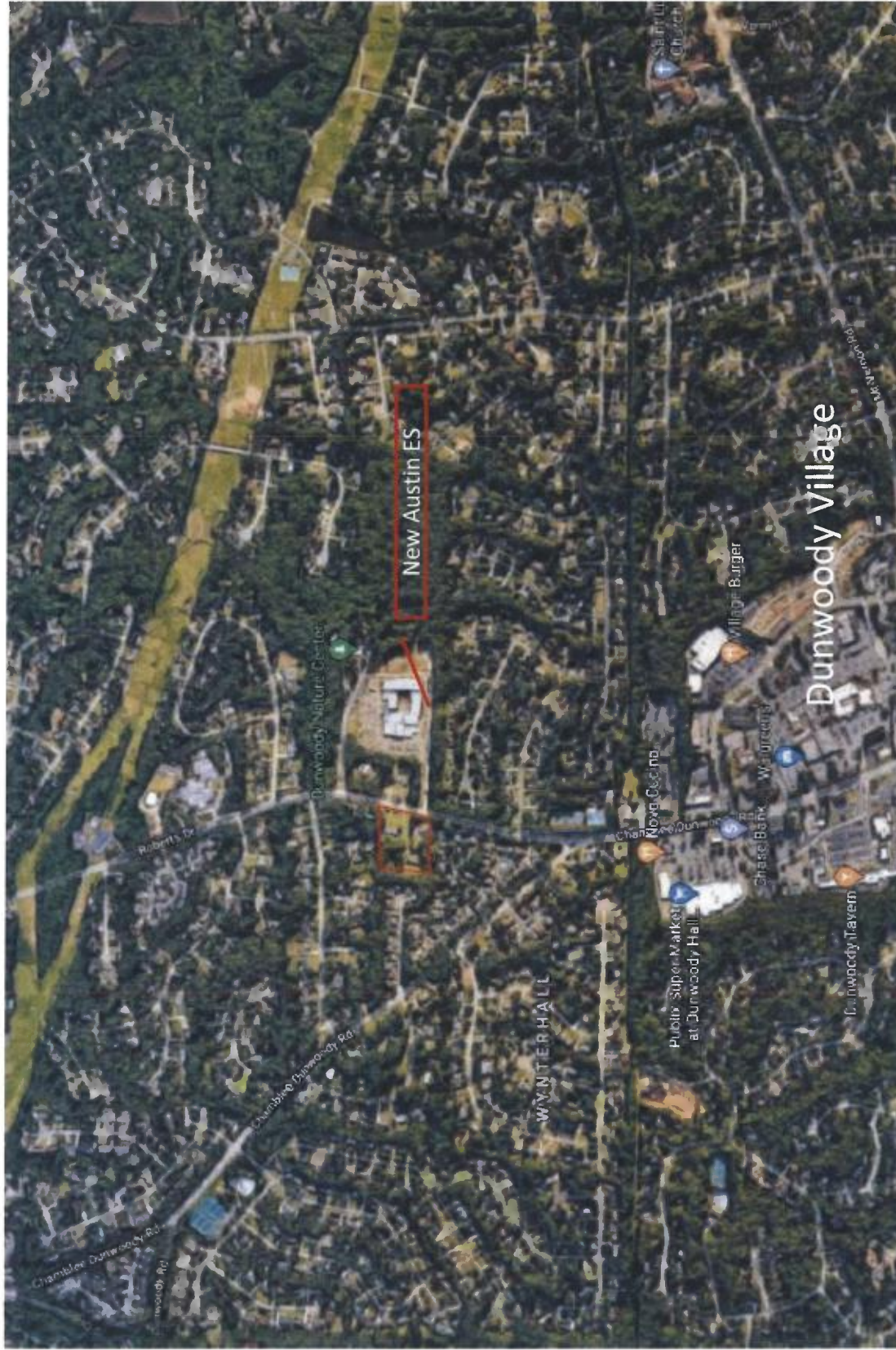
Creation of Private Retreat: Connecting the inside to the outside living is key to this lifestyle. These homes will have that connection on the back of the home and in the back yards we will create a private retreat setting for each resident. We will use land planning to utilize the surrounding homes, fencing, and landscaping to create these exclusive spaces for every home in the community.

# Themes for Lifestyle

## Features to appeal to the Empty Nester resident:

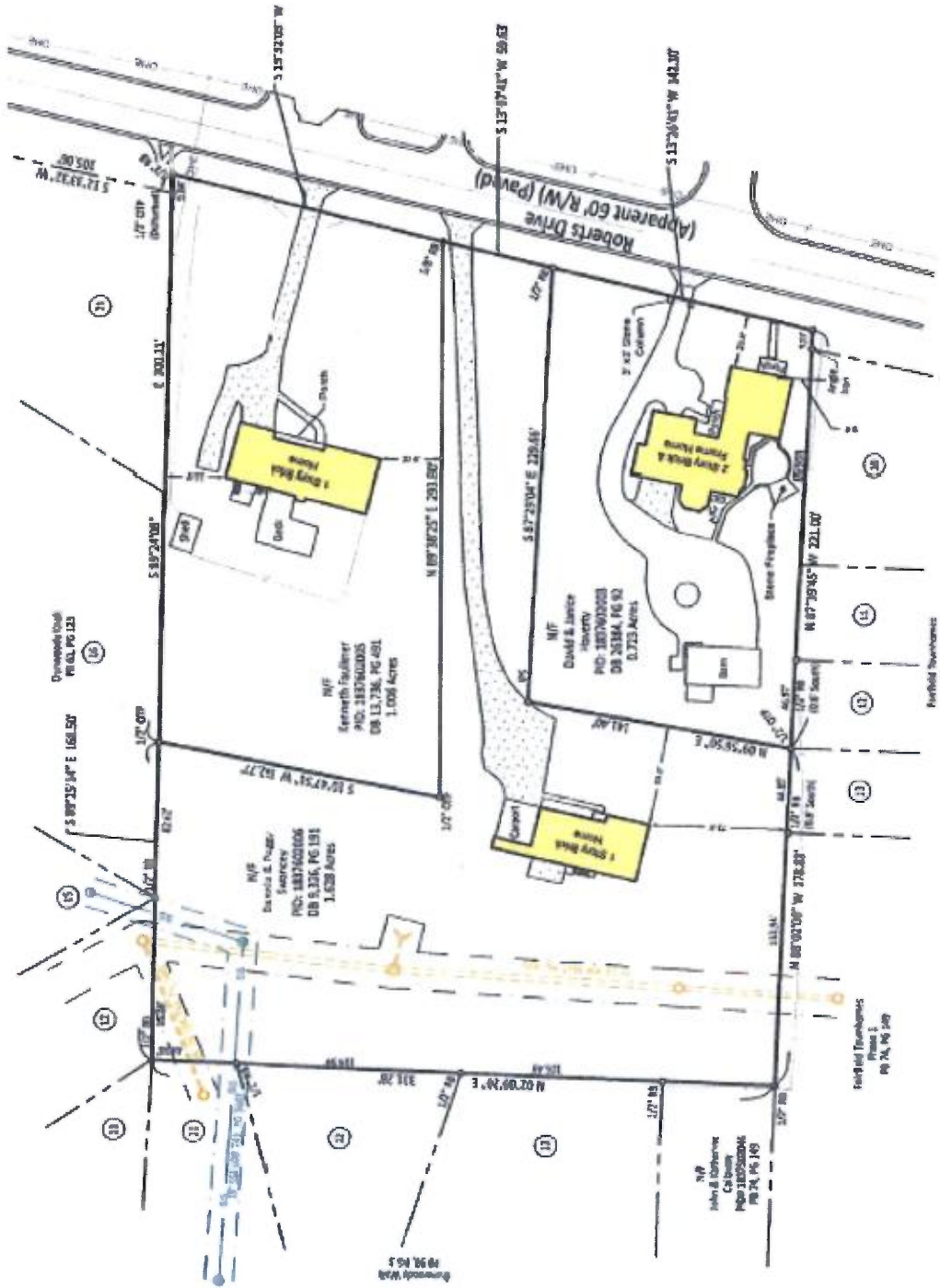
- Community will have a 55+ restriction for occupancy
- Lock & Leave: Gated entrance for safety and security for residents, low-maintenance exterior building materials, community landscape management.
- Sidewalks and street lighting on both side of the street with pedestrian gates on both sides of the entrance to connect to public sidewalks.
- Pocket park and dog walking area in the community.





Property is the 3 existing homes across from fire station, new Austin ES and Dunwoody Nature Center on Roberts Drive.

## Current Survey



Currently at 5308-5328 Robert Drive





Concept plan for 15 home Empty Nester Enclave at the property.



Community design features and amenities.



Gated Entrance with  
Pedestrian Sidewalk  
Access on both sides

Landscaped vaulted  
stormwater area to  
allow "dog walk" and  
greenspace area.

Pocket Park & Guest  
Parking Area





**P**  
**PEACHLAND**  
Homes Crafted by Ty White



The Homes: A sense of time and place. Designed for empty nesters with emphasis on main level living. The owner's bedroom, kitchen and casual living areas which are connected to the outdoor areas (covered porches, rear patios) all on first floor of all the homes.

The homes will be 1 ½ stories in scale and feature classic architectural styles that fit their scale.

Traditional materials for the exteriors will be brick, stone, and wood.

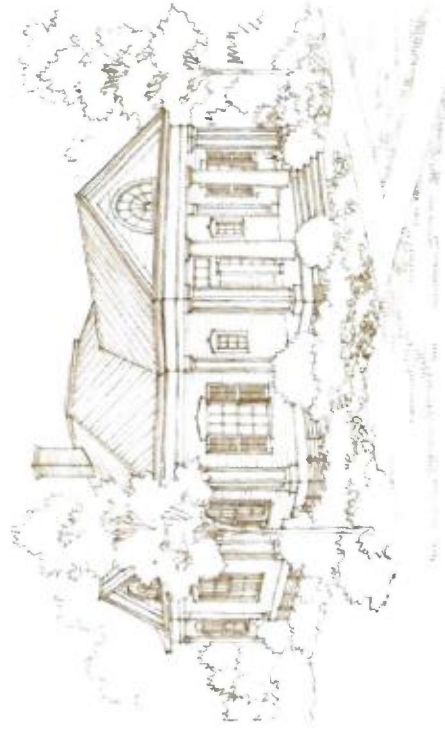
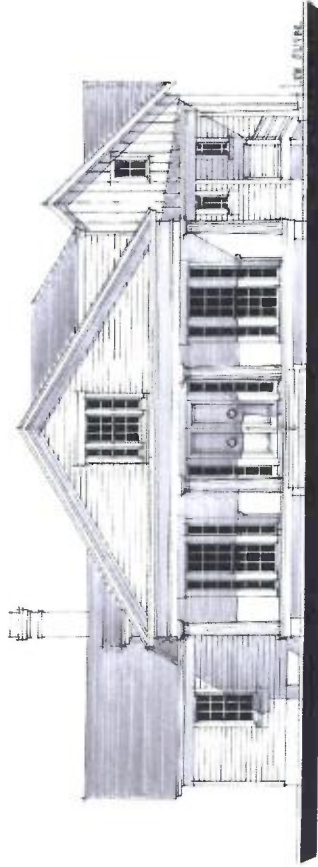
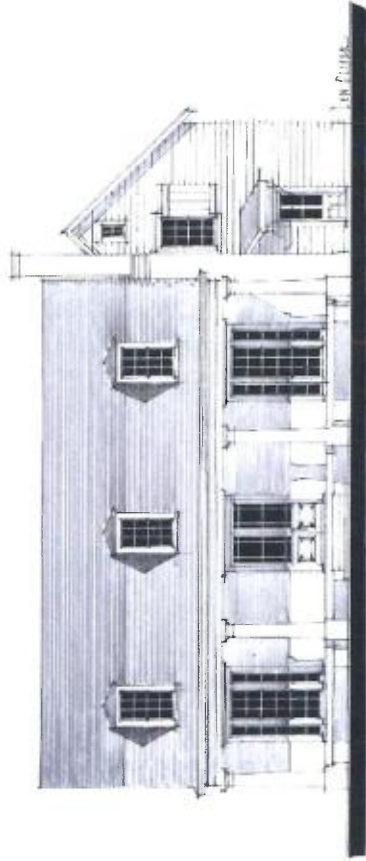




Examples of homes that demonstration the look and the scale of the types of homes in a Cottage community.

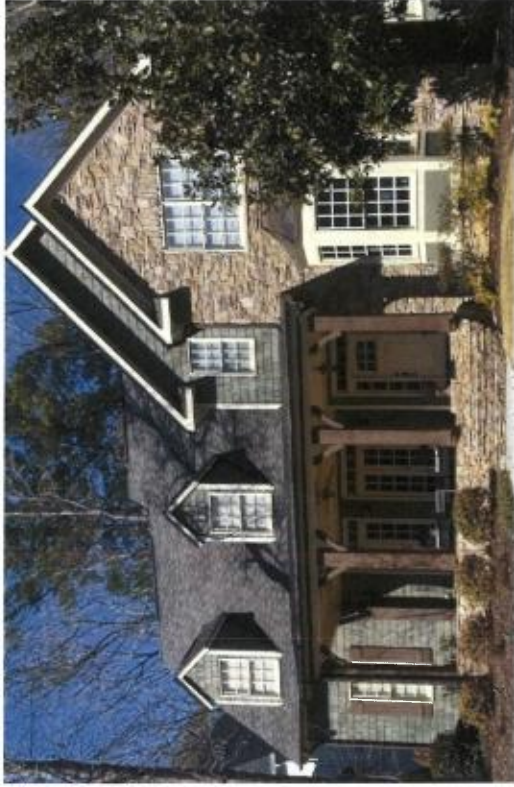


Homes to encourage outdoor living and four sides architecture.



The homes will be 1 ½ stories in scale and feature classic architectural styles that fit their scale.





Traditional materials for the exteriors will be brick, stone, and wood.





Community in the front. More emphasis on front porches less on garages. Internal sidewalks and street lighting to encourage pedestrian activity.



Rendering of different architectural forms that encourage connection to the street in presentation and scale.



Gated entrance with pedestrian access. Sidewalks, street trees and lighting to promote interaction and feeling of security.



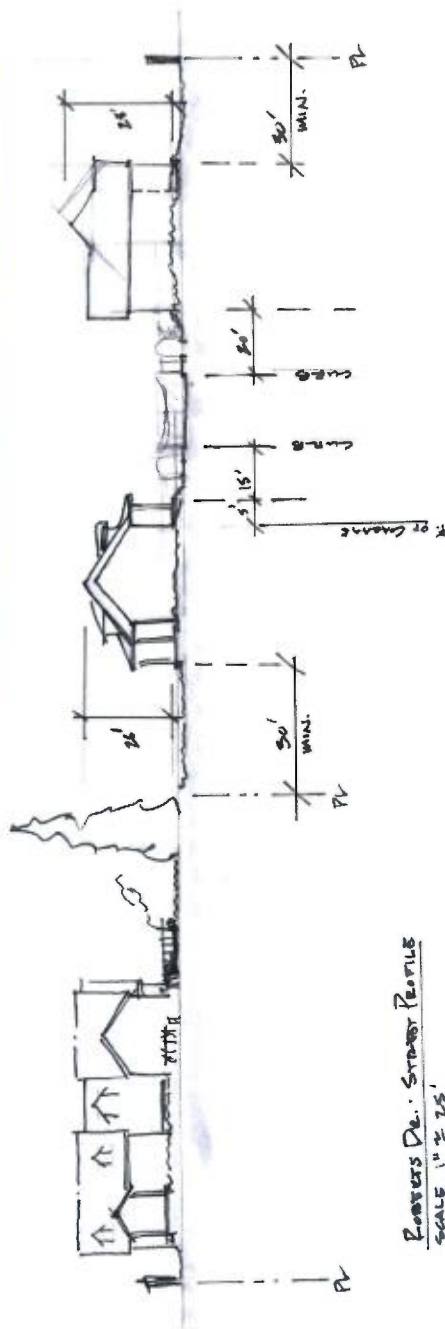


Connection to the outside living is key to this lifestyle. Using the architecture and landscaping to create connection and community in the front of the homes and serenity and sanctuary in the back of the homes.





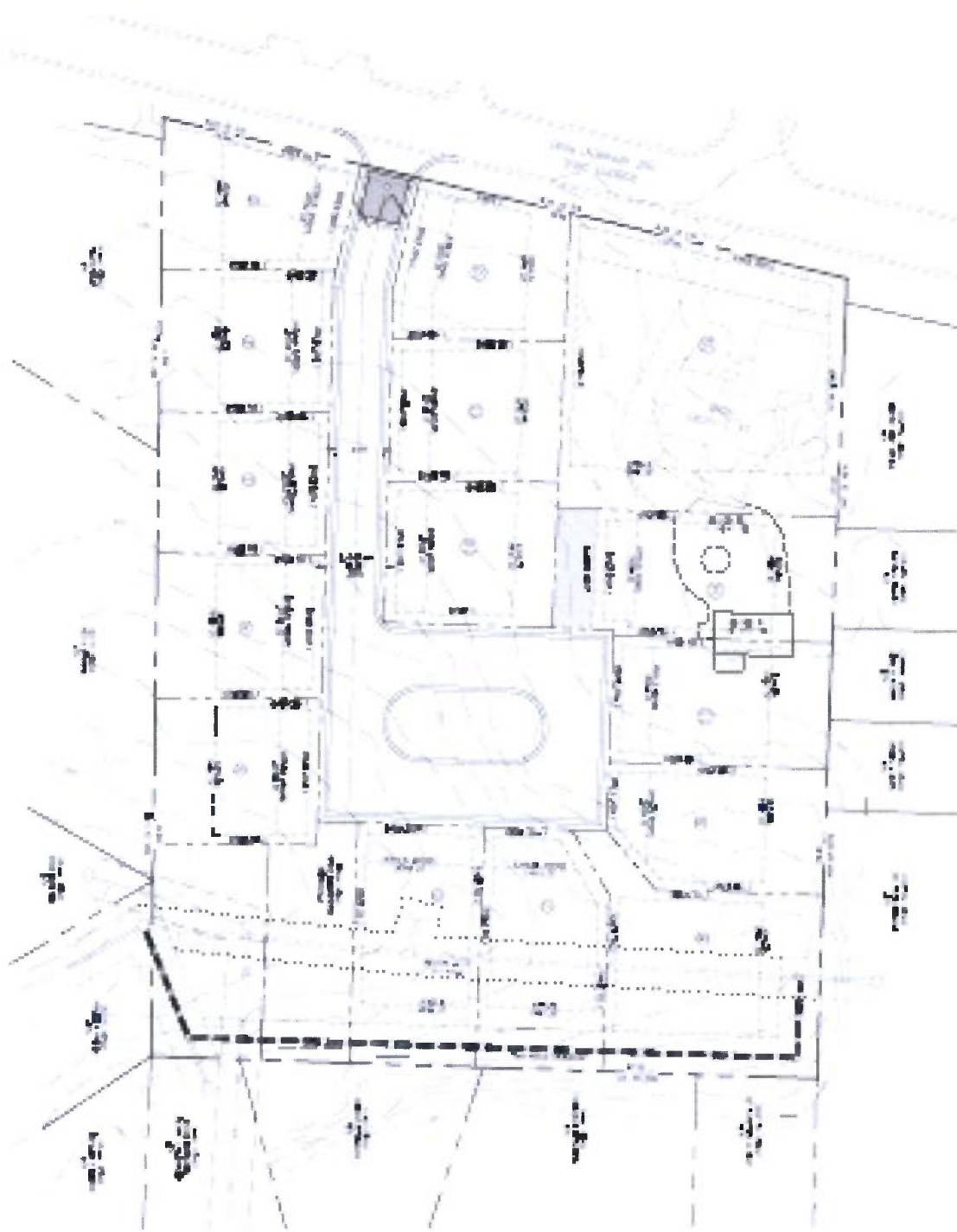
Using landscaping and outdoor living elements to built these retreats for every home.



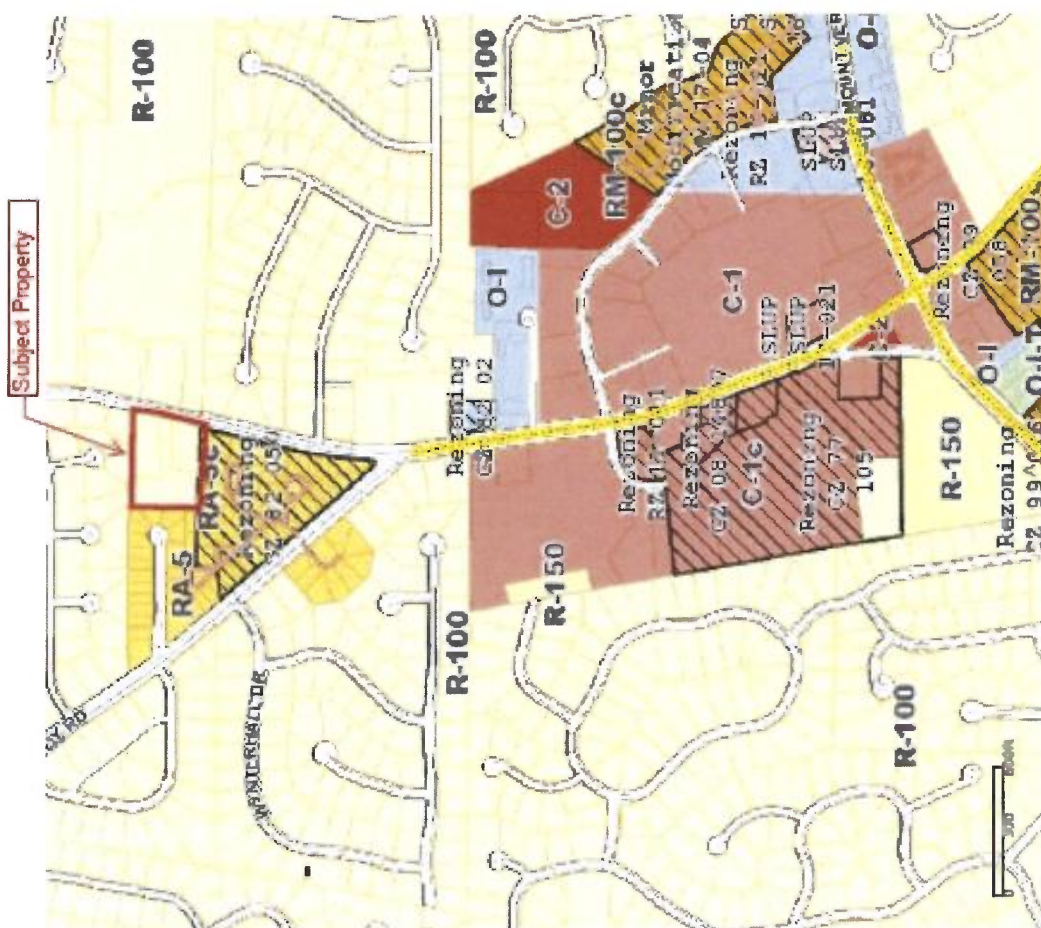
ROBERTS DE. STAFF PEOPLE  
SCALE 1" = 25'



Proposed Site Plan for 15 Lots (RA5)







# PEACHLAND

Homes Crafted by Ty White

## SUBURBAN NEIGHBORHOOD

### Vision/Intent

Stable, owner-occupied single-family residential area that is characterized by a traditional suburban pattern of development with accessible sidewalks, extensive landscaping, and access to parks and functional greenspace, places of worship and schools.

### Future Development

**Form:** Traditional homes with quality design and long lasting building materials, such as stone or brick, streetscaping, and pedestrian and bicycle amenities.

**Use (See Future Land Use Map):** Single-family residential, public gathering spaces, places of worship, office, aging in place appropriate residential.

### Action Items

- Encourage paths, connectivity, and sidewalks.
- Identify potential trail easements.

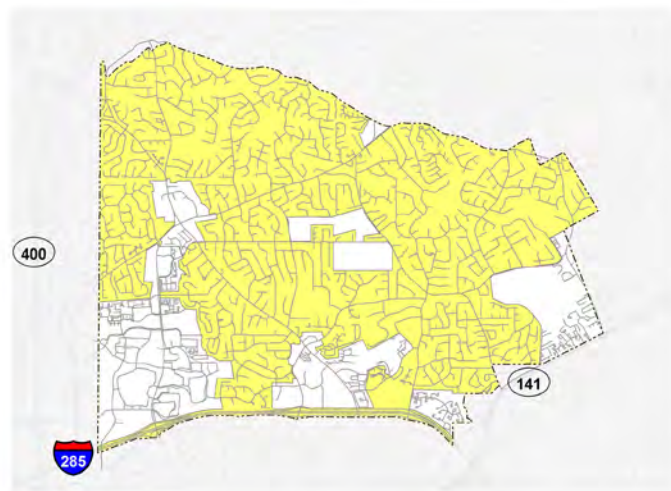


FIGURE 5: Suburban Neighborhood Character Area Map



▲ Playground in local park








▲ Single Family Home



## 2.5 FUTURE LAND USE

The Future Land Use Map like the Character Areas map is a **visual representation of the City's future development policy**. Interpretation of the map is provided in the supporting text to be considered along with the City's zoning, the Character Areas Map, and other local policies when decision-makers consider land development questions or requests.

FIGURE 16: Future Land Uses Table

|   | LAND USE                                | DESCRIPTION  | ZONING CATEGORIES   |
|---|---|--|---|
|    | Single Dwelling Residential             | The predominant use of land is for single-family dwelling units, including detached, semi-attached or duplexes.  | R- districts (R-150, R-100, R-85, R-75, R-60, R-50, RA, RA-5, RA-8, R-CD, R-CH) |
|    | Multi-dwelling Residential - Apartments | The predominant use of land is for multi-family dwelling units, typically 12 units per acre or more.   | RM- districts (RM-150, RM-100, RM-85, RM-75, RM-HD)                             |
|   | Multi-dwelling Residential - Other      | The predominant use of land is for multi-dwelling units, 3 or more units attached, including townhouses and condominiums.  | RM- districts (RM-150, RM-100, RM-85, RM-75, and RM-HD)                         |
|  | Commercial                              | Land dedicated to non-industrial business uses, including retail sales, office, service, and entertainment facilities. Accessory commercial uses may be located as a single use in one building or grouped together in a shopping center or office building.   | O-I, O-I-T, C-1, C-2, NS, O-D   |
|  | Public/ Institutional                   | Government uses at all levels, and institutional land uses. Government uses include City Hall, police and fire stations, libraries, post offices, schools, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals, etc. Does not include facilities that are publicly owned, but would be classified more accurately in another land use category. For example, publicly owned parks and/or recreational facilities are classified under park/recreation/conservation category; and general office buildings containing government offices (such as the current Dunwoody City Hall) are included in the commercial category. | Any zoning district.  |



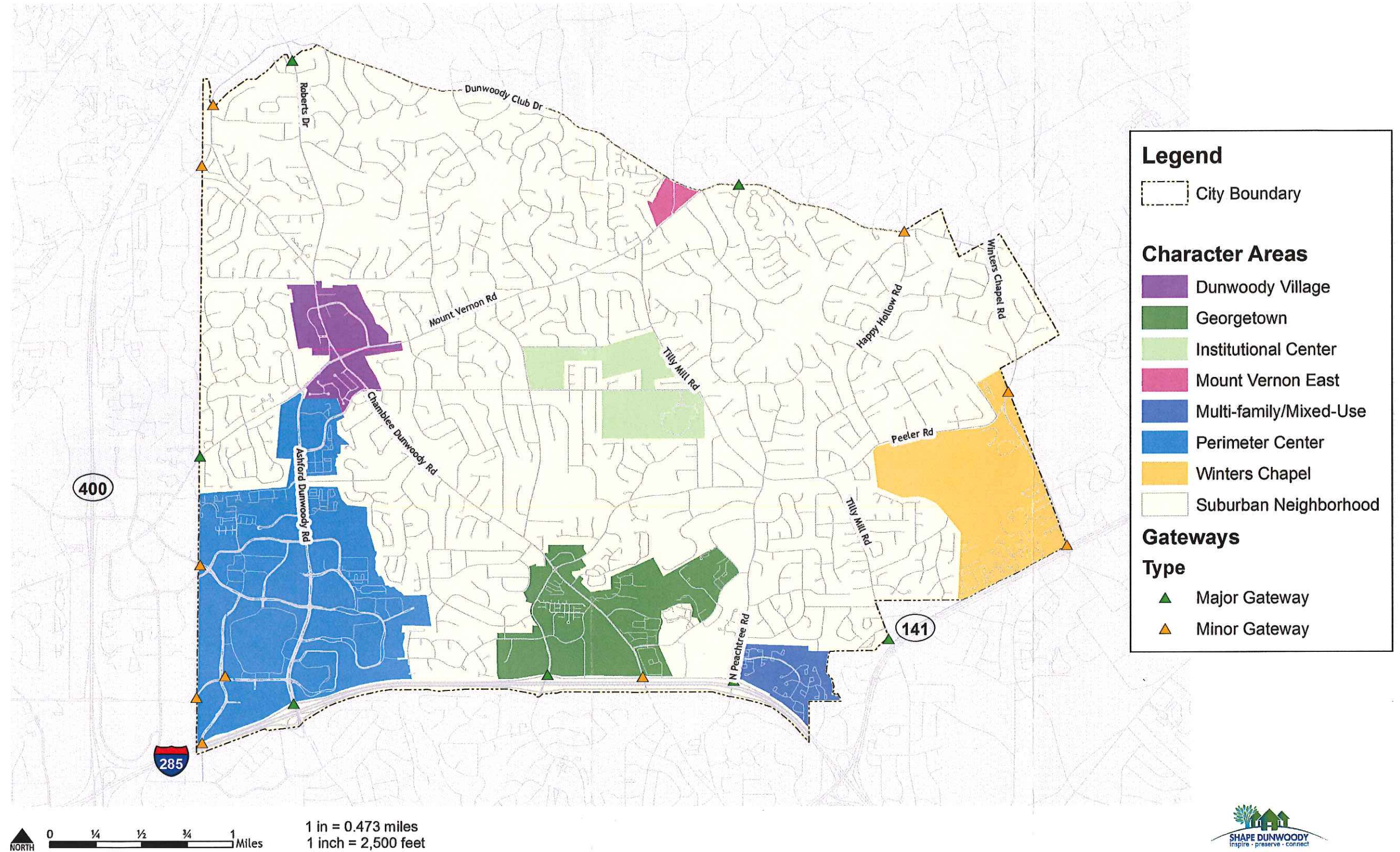


FIGURE 4: Character Areas Map



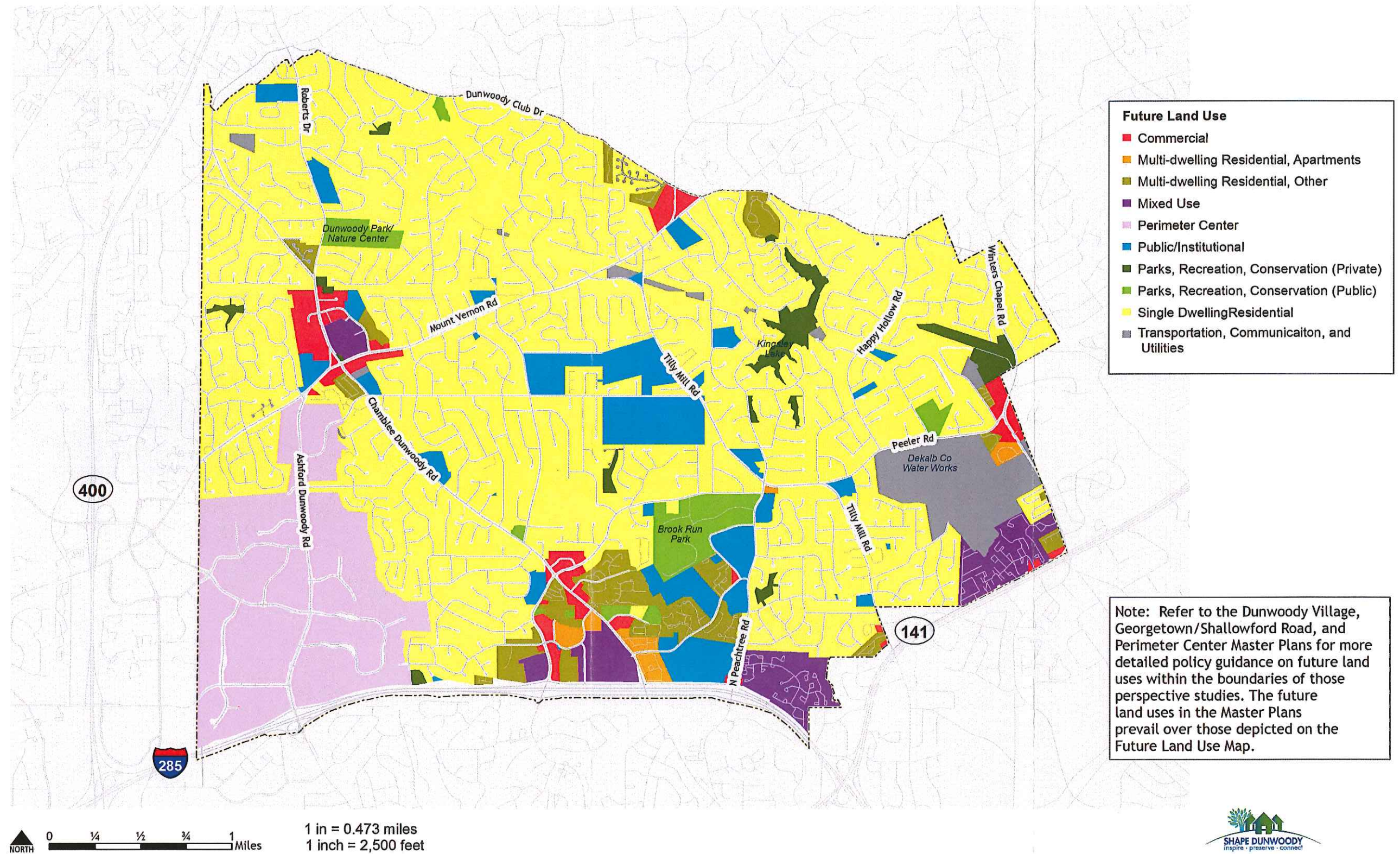
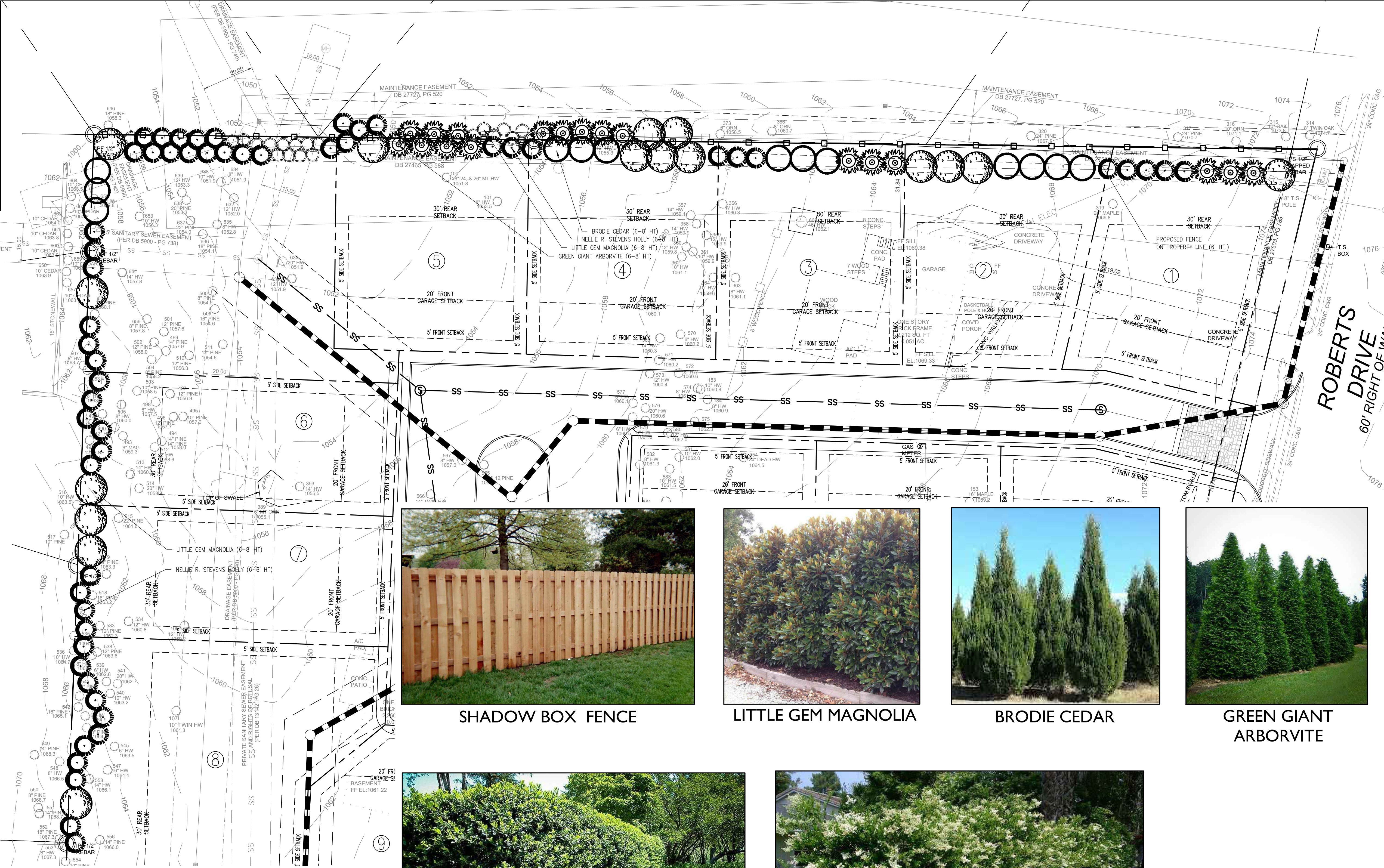


FIGURE 17: Future Land Use Map





LOCATION MAP  
(MIS)



SITE DATA:

5308, 5318 & 5328 ROBERTS DRIVE  
DUNWOODY, GA

LANDLOT: 376  
18<sup>th</sup> DISTRICT

TAX MAP ID: 18 376 02 003  
18 376 02 006  
18 376 02 005

TOTAL ACREAGE: 3.351 AC±  
EXISTING ZONING: R-100  
FUTURE LAND USE: RESIDENTIAL

PROPOSED ZONING: R-50

MINIMUM LOT SIZE: 6,000 S.F.  
MINIMUM LOT FRONTAGE: 50' (35' CUL DE SAC)  
MAXIMUM DENSITY: 5 UNITS/ ACRE  
ACTUAL DENSITY: 4.47 UNITS/ ACRE

STREET FRONT AND SIDE: 5'  
GARAGE FRONT: 20'  
SIDE: 5' (VARIANCE REQUESTED)  
REAR INTERIOR: 20' (VARIANCE REQUESTED)  
REAR EXTERIOR: 30'

MAXIMUM BUILDING LOT COVERAGE: 85% (VARIANCE REQUESTED)  
MAXIMUM BUILDING HEIGHT: 35'

LOT TABLE

| LOT NUMBER | LOT AREA (S.F.) | LOT FRONTAGE |
|------------|-----------------|--------------|
| 1          | 6,009           | 65           |
| 2          | 6,000           | 60           |
| 3          | 6,000           | 71           |
| 4          | 6,005           | 72           |
| 5          | 6,002           | 73           |
| 6          | 7,560           | 63           |
| 7          | 7,315           | 50           |
| 8          | 10,296          | 50           |
| 9          | 6,504           | 40           |
| 10         | 6,012           | 70           |
| 11         | 6,004           | 70           |
| 12         | 6,002           | 79           |
| 13         | 6,857           | 63           |
| 14         | 9,017           | 70           |
| 15         | 16,907          | 141          |

APPLICANT:

PEACHLAND HOMES, INC.  
2494 JETT FERRY ROAD  
SUITE 202  
DUNWOODY, GEORGIA 30338  
CONTACT: TY WHITE (770)844-9976

NOTE:

- EXISTING STRUCTURES WILL BE REMOVED UNLESS OTHERWISE NOTED.
- TRASH PICK UP FOR THE DEVELOPMENT WILL BE RESIDENTIAL CONTAINER PICK UP AT EACH DRIVEWAY.
- REFERENCE BOUNDARY SURVEY BY 303 ENGINEERING DATED JUNE 8, 2018.
- TOPOGRAPHIC INFORMATION IS BASED UPON CITY OF DUNWOODY GIS.

PROPERTY LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LAYING AND BEING IN LAND LOT 376 OF 18<sup>TH</sup> DISTRICT, OF DUNWOODY, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERN RIGHT OF WAY (ROW) OF ROBERTS DRIVE AND THE EASTERN RIGHT OF WAY OF CHAMBLEE DUNWOODY ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE WESTERN RIGHT OF WAY OF ROBERTS DRIVE A DISTANCE OF 842.3 FEET TO A POINT, SAID POINT BEING ON THE SUBJECT PROPERTY CORNER AND IS THE TRUE POINT OF BEGINNING;

THENCE DEPARTING THE ROW OF ROBERTS DRIVE, N 87° 39' 45" W FOR A DISTANCE OF 231.0 FEET TO A POINT ON A LINE; THENCE, N 88° 02' 00" W FOR A DISTANCE OF 178.83 FEET TO A POINT ON A LINE; THENCE, N 02° 09' 10" E FOR A DISTANCE OF 331.26 FEET TO A POINT ON A LINE; THENCE, S 89° 25' 14" E FOR A DISTANCE OF 168.50 FEET TO A POINT ON A LINE;

THENCE, S 89° 14' 08" E FOR A DISTANCE OF 300.11 FEET TO A POINT ON A LINE, SAID POINT BEING ON THE ROW OF ROBERTS DRIVE; THENCE RUNNING ALONG SAID ROW, S 13° 32' 03" W FOR A DISTANCE OF 149.23 FEET TO A POINT ON A LINE; THENCE, S 13° 07' 07" W FOR A DISTANCE OF 59.63 FEET TO A POINT ON A LINE; THENCE, S 13° 31' 03" W FOR A DISTANCE OF 141.22 FEET TO A POINT ON A LINE, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 3.351 ACRES (149,569 SQUARE FEET)



SHADOW BOX FENCE



LITTLE GEM MAGNOLIA



BRODIE CEDAR



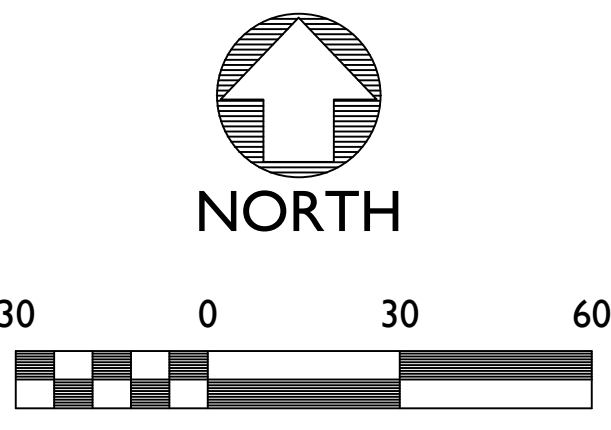
GREEN GIANT  
ARBORVITE



NELLIE R. STEVEN  
HOLLY



RECURVE LIGUSTRUM



PRELIMINARY BUFFER  
PLAN

DUNWOODY VILLAGE

DUNWOODY, FULTON COUNTY GEORGIA

PROJECT INFORMATION

PROJECT NO.:  
DATE: MAY 27, 2020, REVISED: OCT. 5, 2020  
SCALE: 1" = 30'  
FILE NAME: DN P03.dwg  
DESIGN/DRAWN: slr/sch



To: Dunwoody City Council  
City of Dunwoody Planning Commission  
From: John W. Callaway, resident of Fairfield for 35 years  
Date: September 1, 2020  
Re: Rezoning ZBA 20-15, Roberts Drive

Dear Planning Commission Members, Members of the City Council:

A little over a year ago I stood before you in public hearings and, as the spokesman for the Fairfield Board, voiced support for a similar rezoning on the very same property. I am writing now not on behalf of the Board, but as an impacted neighbor whose own residence has abutted the subject property for over 30 years.

I ask that you deny this rezoning request. If you feel you must approve it, please do so only under the condition that the undisturbed buffers so painstakingly agreed to a year ago between Fairfield, Dunwoody Walk, and the applicant at that time be reinstated. That undisturbed buffer was 35 feet in width in the area along the Fairfield property line (and mine) in the corner (along with a protective fence on the applicant's side of the undisturbed buffer), and it tapered to 20 feet the entire length of the subject property line with that of Dunwoody Walk.

A year ago the City Council withheld support of the proposed rezoning. They did so because of the passionate plea of the owners of the farm concerning the dire impact it would have on their lifestyles to be so close to a dense subdivision. The Council wanted the applicant to work with the owners of the farm to explore ways of mitigating the negative impact.

The current plan represents a complete repudiation of the Council's intent to seek protection for neighboring properties. Now as can be seen from the current plan we see not the mitigation of the impact on one adjacent property, but the wholesale negative impact on all the properties abutting the subject property. The owners of the farm have joined the ranks of the sellers. As such, the size of the development has ballooned from 9 lots to 15, a 67% percent increase in density. To accommodate this increase in density, all the undisturbed buffers that were once agreed to have been stripped out completely from the current plan. The current applicant on two occasions has adamantly insisted in meetings with me that the undisturbed buffers will absolutely not be reinstated. Removing the current foliage in the buffer area and replanting is simply not a viable solution: the topographical change between Fairfield and Dunwoody Walk and the subject property is such that no plantings of any size done by the applicant will grow to screen out the view of the proliferation of new rooftops from our homes for decades to come.

With this new plan, furthermore, now instead of one home feeling the direct impact of this development, 5 *new* Fairfield homes that currently back up to the farm will be hit.

Thirty two years ago the then developer of Dunwoody Walk worked with me to preserve a 60 foot swath of pristine woodlands between Fairfield and Dunwoody Walk. Eventually I purchased that wooded area from him, and it has remained largely in its natural state all these many years. It is the roosting area of a great number of bird species, the habitat of many small animals, and replete with many varieties of forest vegetation. In its naturalness, it is enjoyed by some 20 homeowners, both in Fairfield and Dunwoody Walk.

This is proof that while cluster home communities by their nature may lack large yards and vegetation inside their developments, that does not mean that such communities should not be buffered by green areas between them.

At my property line with that of the applicant, the forest spills across the property line by about 35 feet and runs north across the entire back property line of Dunwoody Walk. It is my passionate plea that if a more dense development is approved for the applicant's property, now or in the future, that this undisturbed and natural section of old forest remain totally unscathed. This can be done by implementing an undisturbed buffer along with some form of protection for it, like fencing, to prevent some future contractor or homeowner from eradicating it.

Sincerely,



John W. Callaway, Ph.D.

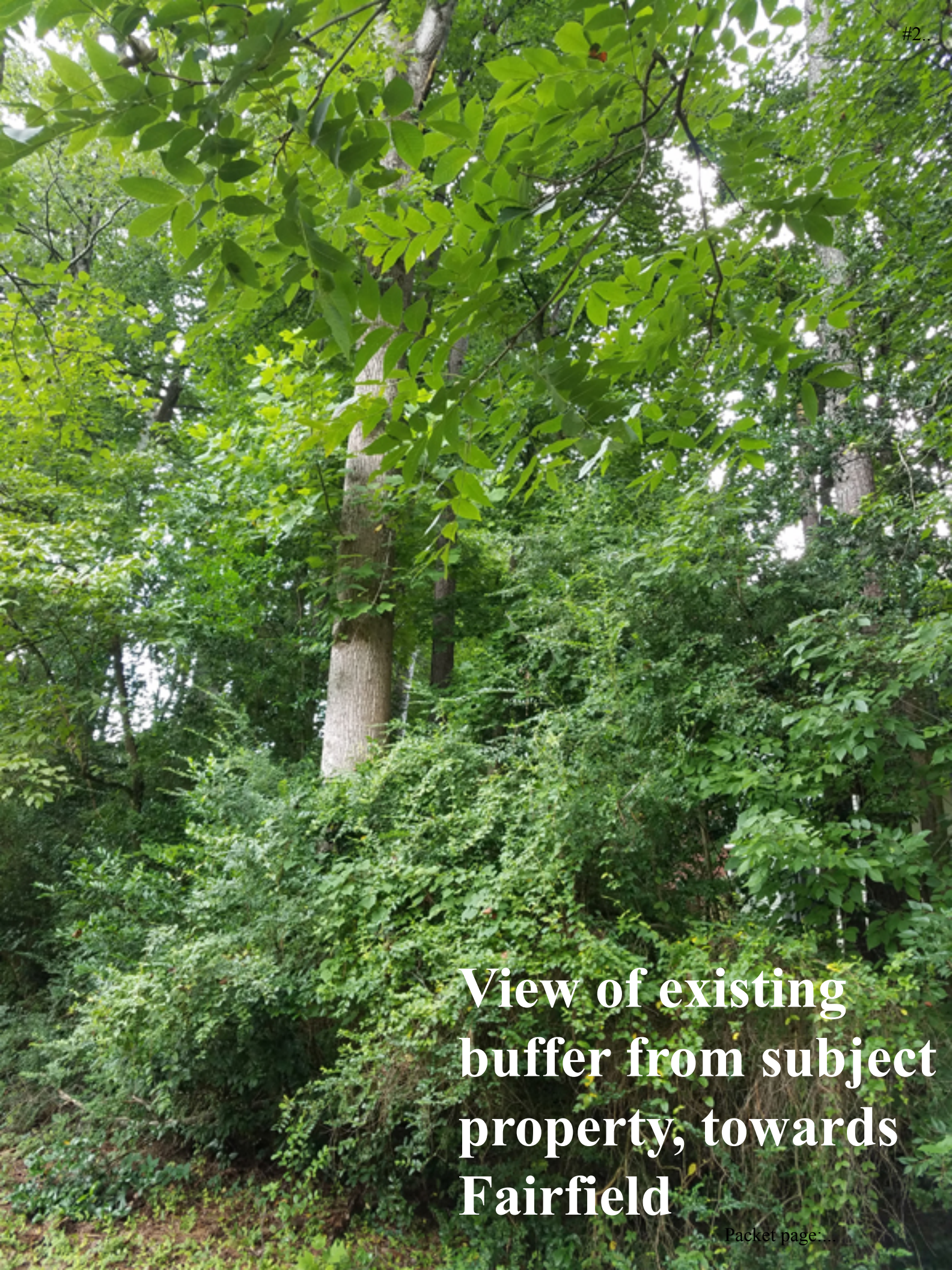
5307 Fairfield West



A photograph showing a large, dense green shrub or small tree in the center. In the foreground, there is a wooden fence made of vertical slats. The background consists of a forest with many bare, thin trees, suggesting a winter or late autumn setting. The sky is overcast and grey.

**View of existing  
buffer from Fairfield,  
in winter**





**View of existing  
buffer from subject  
property, towards  
Fairfield**