

MEMORANDUM

To: Mayor and City Council

From: Paul Leonhardt, Planning & Zoning Manager

Date: September 27, 2021

Subject: Text Amendment
Chapter 27— Dunwoody Village Overlay District
Chapter 27 – Dunwoody Village Districts

ITEM DESCRIPTION

These text amendments are a companion ordinance to the zoning map amendment case RZ21-01 for 5500 Chamblee Dunwoody Rd. and 1244 Dunwoody Village Pkwy. To implement the associated zoning buffer and open space area requires a change to the regulating map in Figure 27-107B-1 in Division 6. Dunwoody Village Districts of the Zoning Ordinance.

Separately, because these two parcels are the only remaining parcels in the Dunwoody Village Overlay District, there is no need for any of the overlay district regulations to remain. This ordinance will accordingly repeal the code language for the Dunwoody Village Overlay District.

DISCUSSION

The implementation of the zoning map amendment case RZ21-01 requires changes to the regulating map that is part of the Dunwoody Village District regulations. This ordinance will assign a 50-foot required undisturbed buffer and an additional 100-foot required open space along the western property line of the two parcels at 5500 Chamblee Dunwoody Rd and 1244 Dunwoody Village Pkwy. Only by making the changes to the regulating map will the buffer and open space requirements of the zoning ordinance apply to the two parcels.

One goal of the drafting of the Dunwoody Village Districts was to retire the Dunwoody Village Overlay District. With the rezoning of the two subject parcels, the last remaining parcels are taken out of the overlay district so that no more parcels remain. Accordingly, the language can be removed.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

PLANNING COMMISSION RECOMMENDATION

On its August 10, 2021 meeting the Planning Commission recommended **APPROVAL** with a 4-2 vote. Commissioners Dallas, O'Brien, Abram, and Wagner recommended approval, while Commissioners Harris and Price recommended denial. The Planning Commission appreciated the effort to finalize the Dunwoody Village rezoning effort, and expressed support for the substantive aspects of the proposed compromise. Commissioners Harris and Price expressed concern that the legal status of the buffer is so unclear, but expressed support for searching for an agreeable solution through updating the regulatory map.

ATTACHMENTS

Updated Dunwoody Village District Zoning Text

AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCE BY AMENDING SECTION 27-107B TO AMEND THE DUNWOODY VILLAGE REGULATING MAP AND BY AMENDING SECTION 27-97 TO DELETE THE REGULATIONS FOR THE DUNWOODY VILLAGE OVERLAY DISTRICT.

WHEREAS, the Mayor and City Council have considered and approved a comprehensive rezoning of properties in the Dunwoody Village area in 2020; and

WHEREAS, Most of the development with the Dunwoody Village was constructed in the 1970s and 1980s and as automobile-oriented developments, the buildings are largely one-story in height, contain large surface parking lots and have minimal functional open space; and

WHEREAS, By adopting these changes, the City of Dunwoody intends to: maintain and enhance the identity and image of Dunwoody Village; accommodate and promote walkable, development patterns containing a complementary mix of land uses; create opportunities for functional, landscaped, open and gathering spaces in the commercial core of Dunwoody; ensure that new development and substantial additions to existing buildings are designed to promote Dunwoody Village as an area of unique character while requiring that all new construction makes use of design standards and materials that enhance the district, complement existing character, and allow for the introduction of new design elements while encouraging the addition of walkability and green space; support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and maintain and enhance the area's role as a place for civic activities and public gatherings within well-designed open spaces; and

WHEREAS, The two parcels at 5500 Chamblee Dunwoody Road (Parcel ID 18 366 01 001) and at 1244 Dunwoody Village Parkway (Parcel ID 18 366 01 022) were originally intended to be part of said comprehensive rezoning and are essential for the implementation of the City's Comprehensive Plan and of the Dunwoody Village Master Plan; and

WHEREAS, By removing the two subject parcels from the Dunwoody Village Overlay district, no parcels remain in the district and the district regulations become obsolete; and

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WHEREAS, The Mayor and City Council find that the proposed changes are appropriate and will enhance the public health, safety, and welfare within the City; and

WHEREAS: The Mayor and City Council have conducted a public hearing as required by the Zoning Procedures Act prior to adoption of this Ordinance; and

WHEREAS: Notice to the public regarding said amendment to the zoning map has been duly published in The Dunwoody Crier, the Official News Organ of the City of Dunwoody, Georgia.

NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY **ORDAIN AS FOLLOWS:**

Section 1: That Chapter 27 (Zoning Ordinance) of the City of Dunwoody is hereby amended by amending Section 27-107B, entitled "Districts" as follows.

27-107B Districts.

(a) Districts and regulating map.

(1) District map. The location for each DV district is designated in figure 27 107B 1, regulating map.

(2) Official zoning map. The location for each DV district shown on the regulating map shall also be designated on the official zoning map.

(3) District requirements. The requirements in this subsection apply to the DV districts as follows.

a. Requirements specific to each district. Refer to sections 27-107B(b) through 27-107B(e) for specific descriptions and requirements for each district.

b. Use requirements for all districts. Refer to section 27-107B(f), uses, for use requirements applicable to all districts.

(4) General regulations. Refer to section 27-107C for general regulations that apply to all DV districts.

(5) Building type regulations. Refer to section 27-107D for building type regulations that apply to all DV districts.

(6) Open space regulations. Refer to section 27-107E for open space regulations that apply to all DV districts.

(7) Buffers and transition yards.

a. Refer to section 27-230, transition yards, for information on buffer and screen requirements between different districts and uses, except where b. below applies.

b. Undisturbed buffers shall be required in the locations shown on the regulating map and with the width shown on the regulating map. Adjacent to these undisturbed buffers, an additional TY4 transition yard is also required in the locations shown on the regulating map and with the width shown on the regulating map.

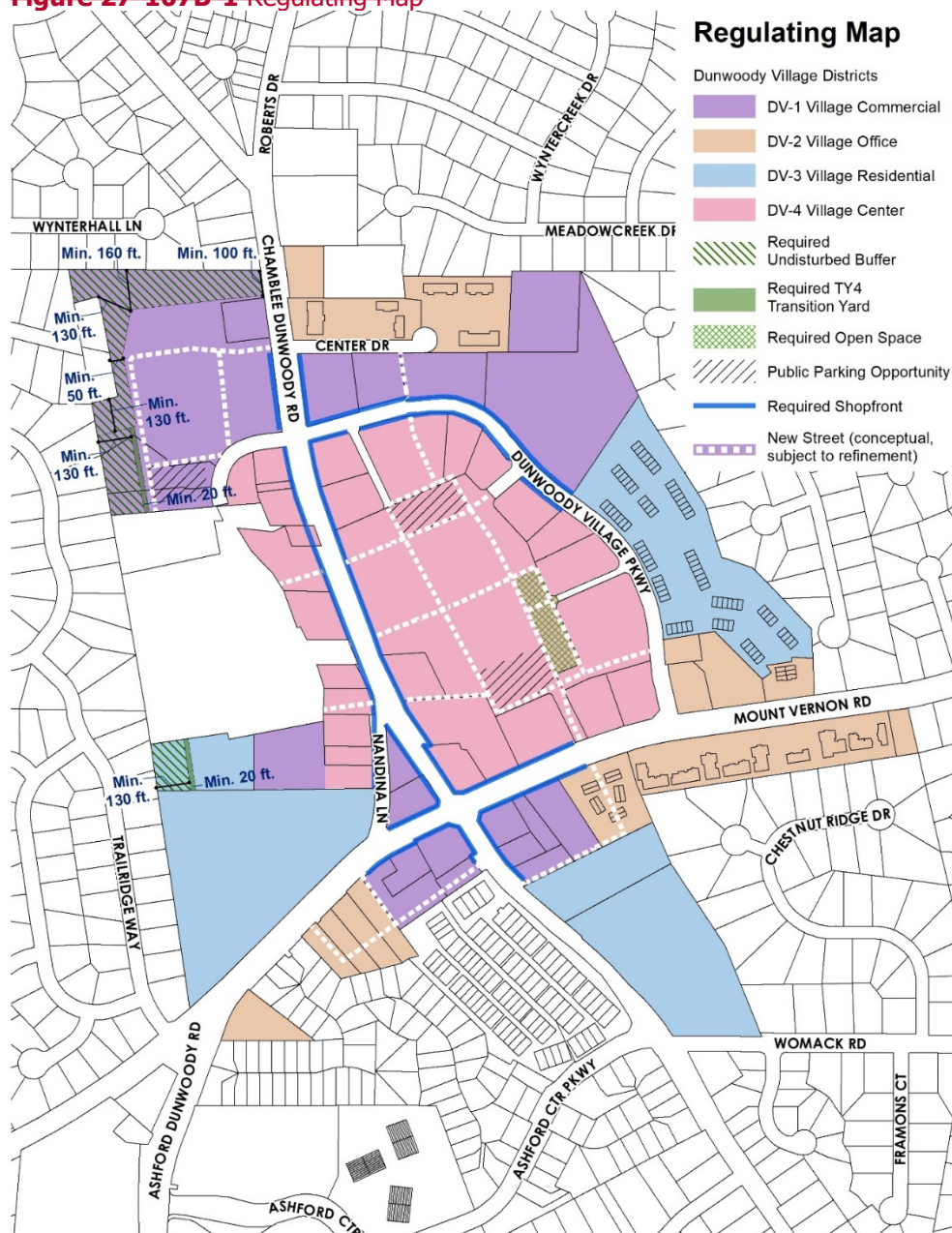
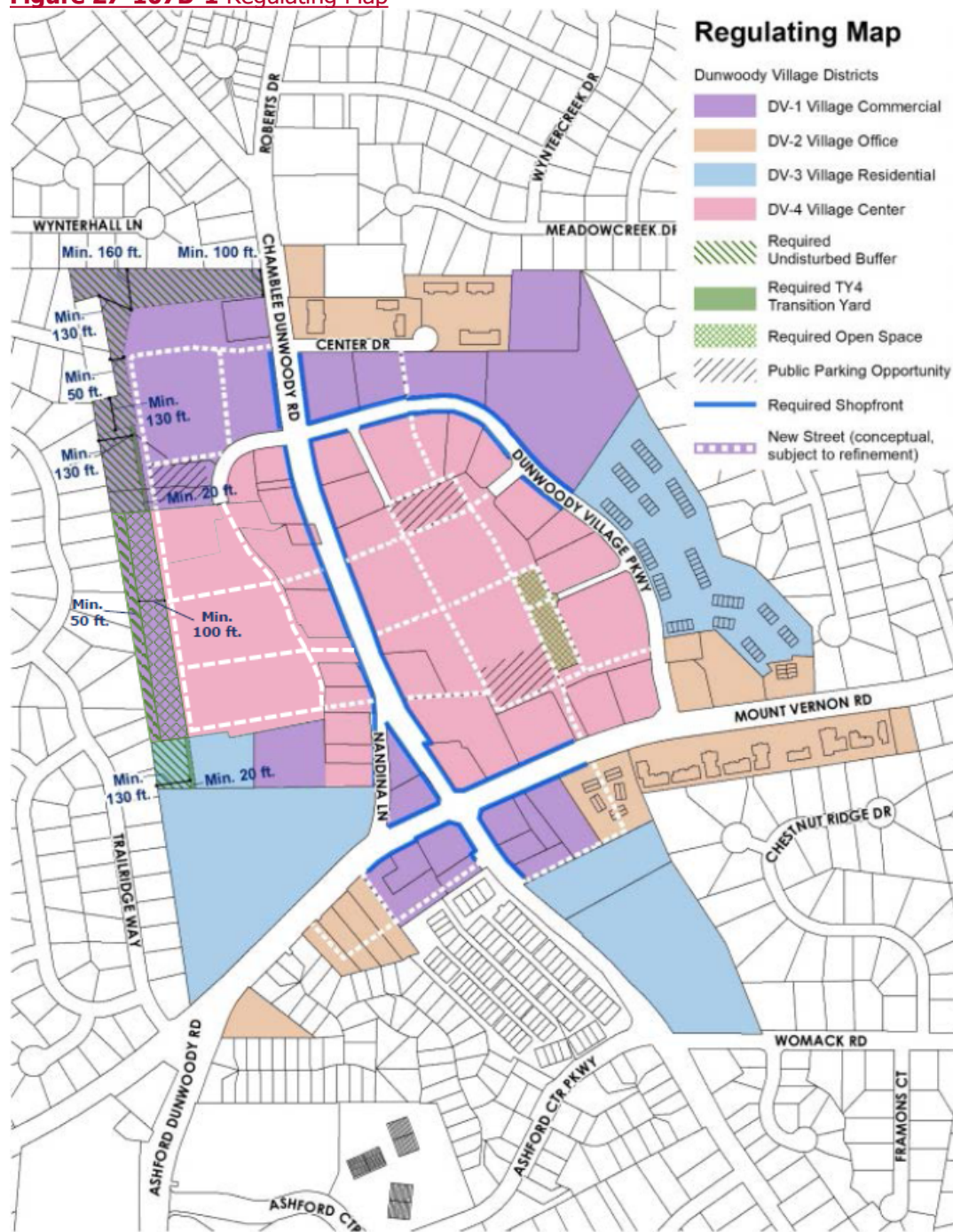
Figure 27-107B-1 Regulating Map

Figure 27-107B-1 Regulating Map

Section 2: That Chapter 27 (Zoning Ordinance) of the City of Dunwoody is hereby amended by amending Section 27-97, currently entitled "DVO, Dunwoody Village Overlay." and to be entitled "Reserved." as follows.

~~Sec. 27-97. – DVO, Dunwoody Village Overlay.~~

~~Sec. 27-97. – Reserved.~~

~~(a) *Purpose and intent.* The Dunwoody Village Overlay district is primarily intended to implement the policies and objectives of the comprehensive plan and the Dunwoody Village Master Plan. It is further intended to help:~~

- ~~(1) — Maintain and enhance the identity and image of the Dunwoody Village area;~~
- ~~(2) — Accommodate and promote walkable, development patterns containing a complementary mix of land uses;~~
- ~~(3) — Create new opportunities for public open spaces and gathering spaces in the commercial core of Dunwoody;~~
- ~~(4) — Ensure that new development and substantial additions to existing buildings are designed to promote the Dunwoody Village Overlay as an area of unique character while requiring that all new construction makes use of design standards and materials that enhance the district, complement existing character, and allow for the introduction of new design elements while encouraging the addition of walkability and green space;~~
- ~~(5) — Support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and~~
- ~~(6) — Maintain and enhance the area's role as a place for civic activities and public gatherings within well-designed open spaces.~~

~~(b) *Redevelopment.* The city council anticipates that in the future a developer may desire to redevelop all or portions of the Dunwoody Village area, and that the type of redevelopment proposed may be difficult or impossible to carry out under the existing zoning. To accommodate and encourage large-scale redevelopment in accordance with the approved Dunwoody Village Master Plan, the city council may consider rezoning or planned development (PD) development proposals.~~

~~(c) *Site plan review.* No building permit may be issued for buildings that are subject to one or more of the overlay district regulations of this section until the building has been reviewed through the site plan review process prescribed in article V, division 10. In order to ensure compliance with the requirements set forth in this section, a code compliance certificate (CCC) shall be required prior to approval of any building permit for any exterior and building facade additions, improvements, or renovations within the Dunwoody Village Overlay.~~

~~(d) *Architecture and design.* The architecture and design regulations of this subsection apply within the Dunwoody Village Overlay district to all new buildings, additions, and exterior renovations to building facades. Work that includes maintenance and repair of the existing doors, windows, paint and roofs does not apply. These requirements govern in the event of conflict with other DVO district and base zoning regulations.~~

~~(1) *Exterior materials.*~~

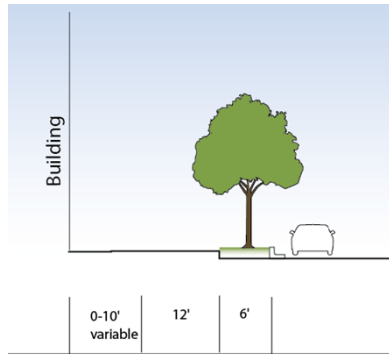
- ~~a. *Predominant exterior materials.* Exterior finish materials must include brick, natural stone, wood, cement-based siding, and/or hard coat stucco.~~
- ~~b. *Secondary exterior materials.* Secondary façade materials include all predominant materials. Other materials may be approved by the director of community development during the site plan process.~~

- c. ~~Accent materials.~~ The following materials may be used for trim, details, soffits, eaves, and other accent areas: all predominant exterior material, wood or painted wood; PVC/cementitious trim boards, aluminum and other durable metals. Other materials may be approved by the director of community development.
 - d. ~~Restrictions.~~ The use of plain CMU block, aluminum siding, and vinyl materials are prohibited as a façade material.
 - e. ~~Roof materials.~~ Acceptable roofing materials include asphalt shingles, wood shingles, reflective flat roofing systems, and other materials approved by the director of community development. Wherever asphalt shingles are used, they shall be a minimum three-dimensional architectural type. Standing seam metal roofs are permitted only as accents on porches or dormers.
- (2) ~~Building facades.~~
- a. ~~Provide front entrance(s) that are distinct and visible from the street, but should not exaggerate or double the height of the entrance.~~
 - b. ~~Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and/or balconies to provide expressive character.~~
 - c. ~~Facades shall provide a discernable base, middle and cap that are clearly defined by horizontal elements along the bottom and top of the building. Expression of the elements should be handled through changes in material selection, color, or plane. Use of horizontal bands, cornices, and/or varied window patterns can assist in expression.~~
 - d. ~~Building wall materials may be combined on each facade only horizontally, with the lighter above more substantial materials.~~
 - e. ~~All glass shall be clear and free of color.~~
 - f. ~~Low pitch or flat roofs shall be enclosed by a parapet that is a minimum of 42 inches in height, or a greater height as necessary to conceal mechanical equipment.~~
 - g. ~~Hardwood used for rafters, fascia boards and all visible portions of roof decking shall be varnished, oiled, stained or painted. Pressure treated wood shall be painted.~~
- (e) ~~Signs.~~ All signs within the Dunwoody Village Overlay district are subject to the requirements of the city's sign ordinance and the following additional regulations:
- (1) ~~Signs must be designed and constructed to be compatible with the architectural style that is characteristic of the Dunwoody Village Overlay district area.~~
 - (2) ~~Ground signs must be monument style signs with a brick base.~~
 - (3) ~~For lots containing nine or fewer storefronts, ground signs may not exceed eight feet in height and eight feet in width.~~
 - (4) ~~For lots containing ten or more storefronts, ground signs may not exceed 12 feet in height and eight feet in width.~~
 - (5) ~~Temporary signs are prohibited except for new businesses as permitted in chapter 20 and pole banners as permitted in chapter 26 of the Municipal Code.~~
 - (6) ~~Signs must have a matte finish and be constructed of wood or other substitute material approved by the design review advisory committee because of its wood-like appearance and durability.~~
 - (7) ~~Neon, gas, colored, flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited. This prohibition notwithstanding, a single LED or neon sign up to two square feet in area is allowed, provided that the sign does not employ any flashing, animation, movement or sound and provided that the sign may be illuminated only during hours in which the establishment is open for business.~~

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- (8) ~~Sign shape and lettering is limited as follows:~~
 - a. ~~Sign facing must be flat in profile and may not exceed eight inches in thickness.~~
 - b. ~~Sign lettering and logo content may not exceed 18 inches in height.~~
- (9) ~~Standard informational signs:~~
 - a. ~~May not be more than three feet above grade;~~
 - b. ~~May not exceed six square feet in area;~~
 - c. ~~May not have more than two sign faces;~~
 - d. ~~May not be made from flexible materials, such as vinyl, cloth or paper;~~
 - e. ~~Must be free-standing and not attached to permanent or temporary structures;~~
 - f. ~~Must comply with the color standards of the district; and~~
 - g. ~~Must be maintained in good repair.~~
- (f) ~~Parking and circulation.~~ The parking and circulation regulations of article IV, division 4, apply within the Dunwoody Village Overlay district except as modified by the following regulations:
 - (1) ~~New nonresidential buildings and nonresidential uses and additions to existing nonresidential buildings and nonresidential uses may not provide more than five parking spaces per 1,000 square feet of floor area for restaurants and three parking spaces per 1,000 square feet for all other uses. This provision does not require that existing "excess" parking spaces be removed.~~
 - (2) ~~Parking areas must be separated from the main road by a minimum distance of 30 feet and include at least the landscaping required by section 27-229. Wherever possible, parking must be confined to the rear of structures or be placed underground.~~
- (g) ~~Landscaping and open space.~~
 - (1) ~~The landscaping and screening regulations of article IV, division 2, apply within the Dunwoody Village Overlay district. See also subsection (i).~~
 - (2) ~~Street tree regulations of chapter 16, section 16-238 shall apply within the Dunwoody Village Overlay district.~~
 - (3) ~~For any redevelopment, all open space provided within Dunwoody Village shall comply with the open space requirements in section 27-106.~~
- (h) ~~Streetscape and pedestrian amenities.~~
 - (1) ~~The streetscape and pedestrian regulations of this subsection apply within the Dunwoody Village Overlay District to all new buildings, additions, and exterior renovations. A minimum six-foot wide landscape area must be established abutting the back of the curb along abutting public and private streets. This landscape area must adjoin a minimum 12-foot wide sidewalk. Buildings must abut the sidewalk or be located within ten feet of the sidewalk. If buildings are set back from the edge of the required 12-foot sidewalk, the setback area must include features such as outdoor dining and seating areas, plazas and landscaped open spaces that provide a safe, comfortable and active environment for pedestrians.~~



(2) — ~~Lighting must conform to the following:~~

- a. — ~~Pedestrian and street lighting must be placed in the landscape zone at intervals of 90 to 100 feet on center and must be equal distance from required street trees.~~
- b. — ~~Pole height may not exceed 15 feet.~~
- c. — ~~Light poles and lamps must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.~~

(3) — ~~Furniture must be provided as follows:~~

- a. — ~~Benches and trash and recycling receptacles must be installed every 250 feet along the public street and at each building entrance adjacent to a pedestrian walkway.~~
- b. — ~~Furniture must be selected from the city's approved streetscape list, which is available in the community development department; alternative designs may be approved on a case-by-case basis with the approval of the community development director.~~

(4) — ~~Maintenance of trash and recycling receptacles, including servicing, repair, and replacement, is the full responsibility of the nearest adjacent property owner.~~

(5) — ~~Recycling receptacles must be clearly identified with symbols and/or text indicating its intended use for recyclables.~~

(i) — ~~Public areas, service areas, retaining walls, and drive-thrus.~~

- (1) — ~~Public plazas and outdoor dining areas must be easily accessible to pedestrians and provide protection from vehicular traffic by means of their location and design.~~
- (2) — ~~All dumpsters and other building service areas must be concealed from view of public rights-of-way, publicly accessible areas of the site and residential zoning districts. All dumpsters must be concealed with secured gates screening in accordance with section 27-231.~~
- (3) — ~~Retaining walls must comply with the city building code. Visible areas of retaining wall must be covered with the face brick or stone of the downhill neighbor with a roll lock at the top. Horizontal wall expanses exceeding 20 feet must include offset pilasters with the same brick or stone rising three courses above the top of the adjoining wall and finished with a double course capital of the same brick or stone.~~
- (4) — ~~Evergreen hedges and street walls may be used to mask parking, so long as they are no less than 75 percent opaque and built along the build-to-line. Street walls shall be a minimum of 3.5 feet in height. The street wall shall have other individual openings not exceeding four square feet in area at height of less than 3.5 feet.~~
- (5) — ~~All utilities must be placed underground unless otherwise approved by the director of community development and the public works director.~~

(6) — Drive-thrus for new buildings are prohibited.

(j) — *Building placement.* The form and design regulations of this subsection apply to all new buildings, and additions to existing buildings within the DVO-district that result in an increase of ten percent or more in the buildings gross floor area. These requirements govern in the event of conflict with other chapter 27 zoning regulations.

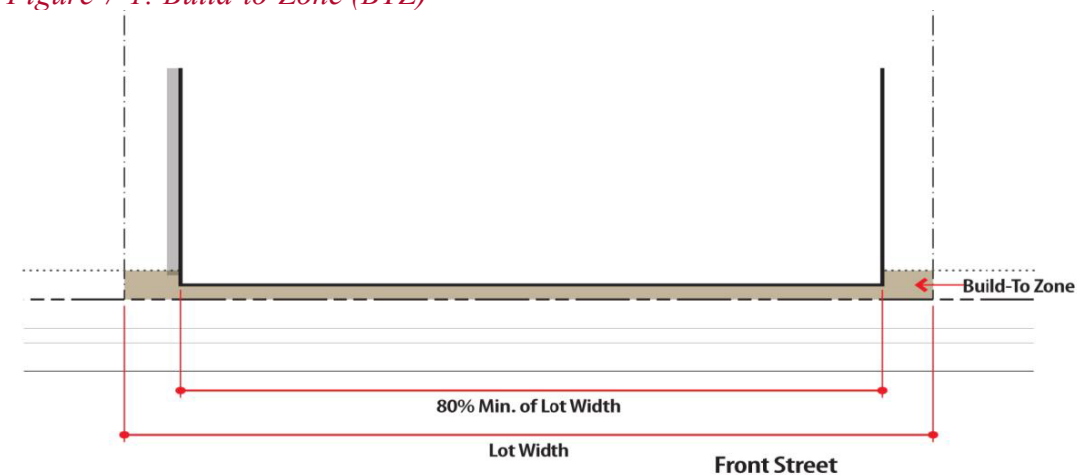
(1) — *Build-to-zone.*

a. — The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum yard (setback) range from the edge of the right-of-way. The requirements are as follows:

Build-to-Zone	
Minimum/maximum (feet)	0/10
Minimum percent of building in build-to-zone (percent)	80
Parking Setback	
Minimum (feet)	30

b. — The required percentage specifies the amount of the front building façade that must be located in the build-to-zone, based on the width of the front building façade divided by the width of the lot.

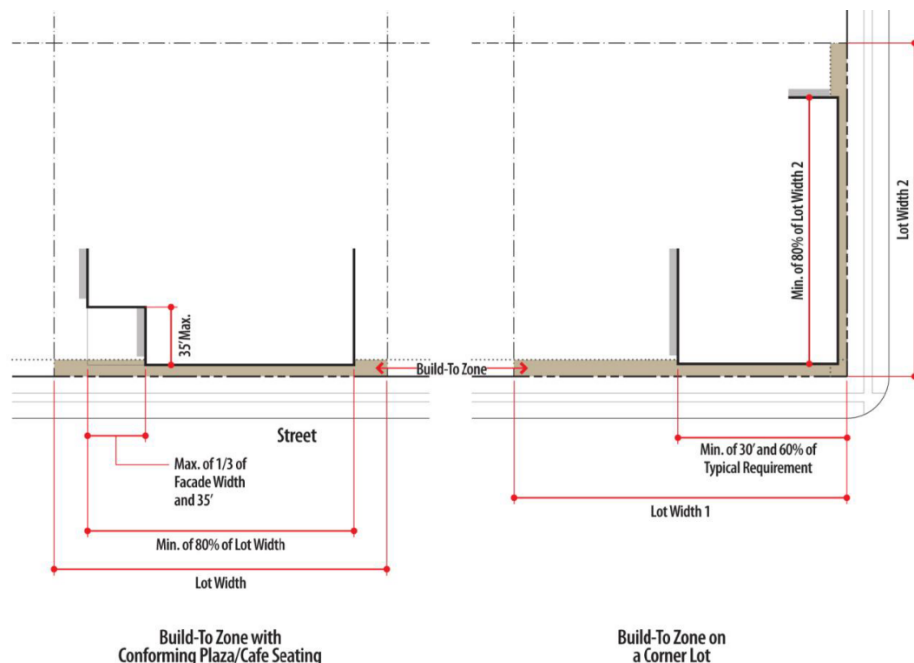
Figure 7-1: Build-to-Zone (BTZ)



c. — Outdoor open space, plazas and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to-zone requirements, provided that:

1. — The area does not exceed one-third the length of the building face or 35 feet, whichever is less; and
2. — The area is no more than 35 feet in depth (see Figure 7-2).

Figure 7-2: BTZ with allowed plaza (left) and BTZ on corner lot (right)



- d. On corner lots, minimum requirements governing the percent of building façade that must be located in the build-to-zone may be reduced by 60 percent along one of the frontages, at the property owner's option, provided that a building façade must be placed in the build-to-zone for the first 30 feet along each street extending from the corner (the intersection of the build-to-zones) (see Figure 7-2).

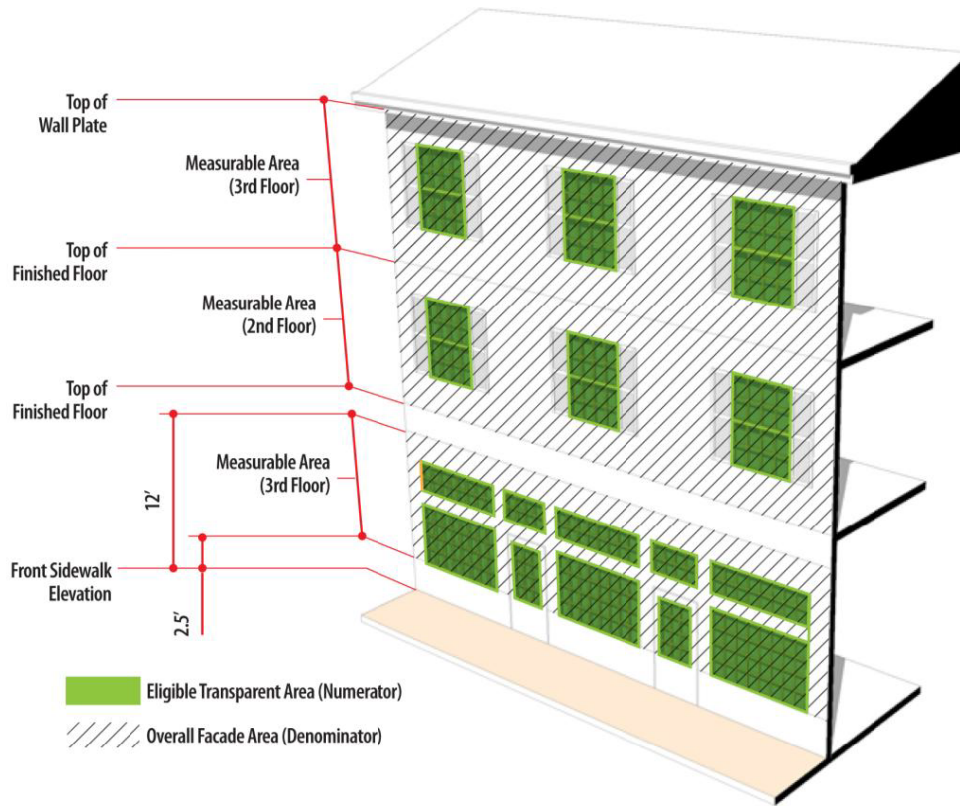
(2) *Transparency.*

- a. Transparency regulations govern the percentage of a street-facing building façade that must be covered by glazing (e.g., transparent windows and doors). The minimum requirements are as follows:

Transparency	
Minimum ground story (%)	65
Minimum upper story (%)	20

- b. The transparency of a ground-story façade is measured between 2.5 and 12 feet above the adjacent sidewalk.
- c. The transparency of an upper-story façade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story transparency is measured from the top of the finished floor to the top of the wall plate (see Figure 7-3).

Figure 7-3: Transparency Measurements



- d. ~~Glazed element must be clear and non-reflective and not be painted or tinted, provided that low-emission (Low-E) glass coatings are permitted.~~
- e. ~~On the ground floor or street level, finished ceiling heights must be a minimum of 12 feet tall.~~
- f. ~~Along street frontages, the base of the building and entrances shall be at the average level of the sidewalk.~~

(3) ~~Blank wall area.~~

- a. ~~Blank walls are areas on the exterior façade of a building that do not include a substantial material change; windows or doors; columns, pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established as follows:~~

Maximum blank wall length (feet)	20
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- b. ~~Blank wall area regulations apply in both a vertical and horizontal direction.~~

(4) ~~Street-facing building entrances.~~ At least one street-facing building entrance must be provided on all principal buildings. The building entrance must provide ingress and egress for residents and customers. Additional entrances off another street, pedestrian area or internal parking area are also permitted.

- (k) ~~Building heights.~~ All buildings heights are allowed up to three stories in the DVO-district. Buildings in excess of three stories may be approved through the special land use permit procedures of article V, division 3.

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~~(l) — Modifications and adjustments. Unless otherwise stated in the chapter, the regulations of subsections (d) through (j) above may be modified only if reviewed and approved in accordance with the special exceptions procedures of article V, division 6.~~

~~(Ord. No. 2013-10-15, § 1(Exh. A § 27-7.20), 10-14-2013; Ord. No. 2015-01-05, § 1, 1-26-2015; Ord. No. 2017-02-03, § 1, 2-13-2017; Ord. No. 2017-04-07, § 1, 4-11-2017; Ord. No. 2018-12-20, § I, 12-10-2018; Ord. No. 2019-05-08, § 2, 5-6-2019)~~

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2021.

Approved by:

Lynn Deutsch, Mayor

Attest:

Approved as to Form and Content

Sharon Lowery, City Clerk

Office of City Attorney

SEAL

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27-107A Administration.
 Intent and applicability.

CITY COUNCIL DRAFT

27-107A Administration.

(a) Intent and applicability.

(1) **Intent.** The Dunwoody Village (DV) district regulations are intended to implement the policies and objectives of the comprehensive plan and the Dunwoody Village Master Plan. They are further intended to help:

- a. Maintain and enhance the identity and image of Dunwoody Village;
- b. Accommodate and promote walkable development patterns containing a complementary mix of land uses;
- c. Create opportunities for functional landscaped open and gathering spaces in the core of Dunwoody;
- d. Ensure that new development and substantial additions to existing buildings are designed to promote Dunwoody Village as an area of unique character, while requiring that all new construction makes use of design standards and materials that enhance the district, complement existing character, and allow for the introduction of new design elements while supporting the addition of walkability and open space;
- e. Support efforts to create a vibrant shopping and entertainment area in which merchants and businesses thrive and grow, thereby helping to maintain property values and keeping vacancy rates low; and
- f. Maintain and enhance the area's role as a place for civic activities and

public gatherings within well-designed open spaces.

(2) Applicability.

- a. DV district regulations apply to properties zoned to a DV district in accordance with the regulating map (figure 27-107B-1) and the amendment procedures of article V, division 2.
- b. The general applicability provisions of Sec. 27-3 of this zoning ordinance apply to properties zoned a DV district, except where alternative applicability standards exist in DV district regulations.

(b) Administration and procedures.

(1) **Establishment of Dunwoody Village districts.** Dunwoody Village (DV) zoning district classifications may be applied to property and DV district boundaries may be amended only in accordance with the amendment procedures of article V, division 2 and the regulating map of figure 27-107B-1.

(2) **Effect of establishment.** Once property has been classified in a DV district, that property is subject exclusively to the applicable DV district regulations.

(3) **Review and approval procedures.** Unless otherwise expressly stated, all uses and development in DV districts are subject to the applicable review and approval procedures of article V, as well as any applicable procedures in chapter 16 of the municipal code (land development regulations).

Division 6. Dunwoody Village Districts
27-107A Administration.
 Administration and procedures.

CITY COUNCIL DRAFT

(4) **Pre-application conference.** Pre-application conferences with staff are required for development permit applications (see the pre-application provisions of section 27-305).

(5) **Site plan review.** Development permits applications must be accompanied by a site plan, which is subject to review and approval in accordance with article V, division 10.

(6) **Relief.** The DV districts are intended to accommodate development as-of-right when such development occurs in strict conformance with applicable regulations. In some instances, however, unique site conditions, existing building circumstances, or other constraints related to the subject property may make strict compliance impossible or highly impractical. In such instances, an applicant may seek relief from applicable regulations. Any relief granted and conditions imposed run with the land and are binding on the subject property owner and all future property owners.

a. **Minor exception - Administrative relief.** The community development director is authorized to approve the following minor exceptions in accordance with the special administrative permit procedures of article v, division 7:

1. The location of a building relative to any minimum setback requirement or build-to zone width/location, provided that the location deviates from strict compliance by no more than five feet, except when a greater deviation is necessary to

minimize the impact on special or specimen trees;

2. An increase in total impervious coverage by no more than five percent, not to exceed the total amount of permitted impervious plus semi-pervious coverage;
3. A decrease in the percent of building façade in the build-to zone by no more than 10 percent, except when a greater decrease is necessary to minimize the impact on special or specimen trees;
4. A reduction in the amount of required shopfront building frontage along primary streets, by no more than 10 percent, except when a greater reduction is necessary to minimize the impact on special or specimen trees;
5. Additional height of any building story by no more than two feet, provided that the overall building height does not exceed the maximum permitted height;
6. An increase in the maximum permitted height of a retaining wall by up to five feet;
7. A modification to the required streetscape along existing streets with existing utilities, special trees, or specimen trees within or adjacent to the otherwise required streetscape; and
8. Any other minor exception expressly authorized under the

Division 6. Dunwoody Village Districts
27-107A Administration.
 Text and Graphics.

CITY COUNCIL DRAFT

Dunwoody Village district
 regulations.

special exception procedures of
 article V, division 6.

- b. **Major exceptions - Special exceptions.** Major exceptions to strict compliance with the DV district regulations include any exception to strict compliance that is not expressly authorized as a minor exception under the provisions of subsection 27-107A(b)(6)a. Major exceptions require review and approval in accordance with the

(c) **Text and Graphics.**

Graphics are included in DV districts to illustrate the intent and requirement of the text. In the case of a conflict between the text and any graphics, the text governs.

(d) **Primary street designation.**

When used within a DV district, "primary street" means Chamblee Dunwoody Road, Mt. Vernon Road, and Dunwoody Village Parkway.

Division 6. Dunwoody Village Districts

27-107B Districts.

Districts and regulating map.

CITY COUNCIL DRAFT**27-107B Districts.****(a) Districts and regulating map.**

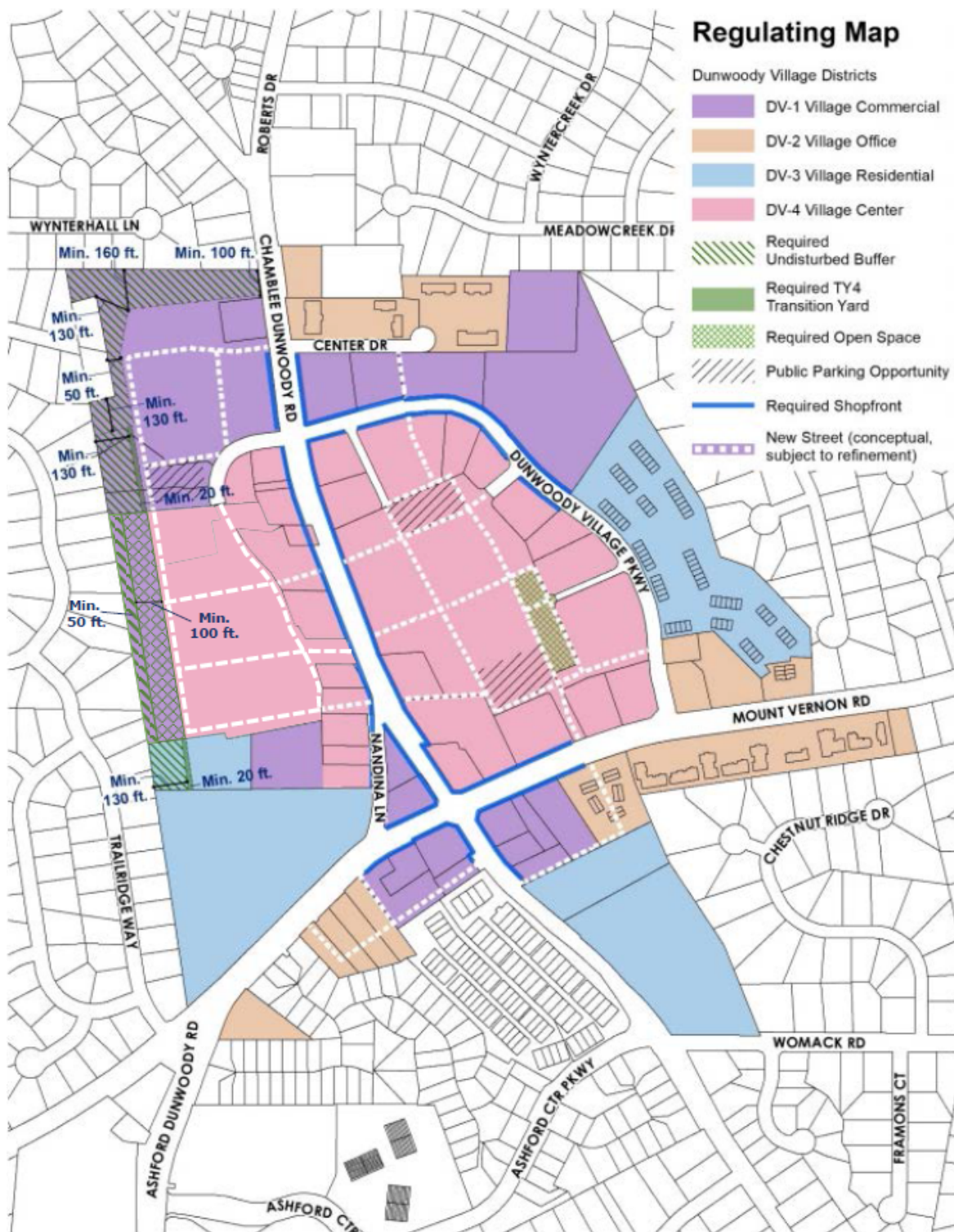
- (1) **District map.** The location for each DV district is designated in figure 27-107B-1, regulating map.
- (2) **Official zoning map.** The location for each DV district shown on the regulating map shall also be designated on the official zoning map.
- (3) **District requirements.** The requirements in this subsection apply to the DV districts as follows.
 - a. **Requirements specific to each district.** Refer to sections 27-107B(b) through 27-107B(e) for specific descriptions and requirements for each district.
 - b. **Use requirements for all districts.** Refer to section 27-107B(f), uses, for use requirements applicable to all districts.
- (4) **General regulations.** Refer to section 27-107C for general regulations that apply to all DV districts.

- (5) **Building type regulations.** Refer to section 27-107D for building type regulations that apply to all DV districts.
- (6) **Open space regulations.** Refer to section 27-107E for open space regulations that apply to all DV districts.
- (7) **Buffers and transition yards.**
 - a. Refer to section 27-230, transition yards, for information on buffer and screen requirements between different districts and uses, except where b. below applies.
 - b. Undisturbed buffers shall be required in the locations shown on the regulating map and with the width shown on the regulating map. Adjacent to these undisturbed buffers, an additional TY4 transition yard is also required in the locations shown on the regulating map and with the width shown on the regulating map.

Division 6. Dunwoody Village Districts

27-107B Districts.

Districts and regulating map.

CITY COUNCIL DRAFT**Figure 27-107B-1** Regulating Map

Division 6. Dunwoody Village Districts

27-107B Districts.

DV-1 Village Commercial District.

CITY COUNCIL DRAFT

(b) **DV-1 Village Commercial District.**

Requirements for this district are provided in figure 27-107B-1. DV-1 District Requirements.

- (1) **Description & Intent.** The DV-1 District is intended to provide areas for commercial uses that primarily serve the needs of nearby neighborhoods. The district also includes opportunities for residential uses when incorporated into mixed-use developments.

Figure 27-107B-2 DV-1 District Requirements

DV-1 VILLAGE COMMERCIAL DISTRICT REQUIREMENTS			Reference
BUILDING TYPES	Shopfront	4	section 27-107D Building Types
	General	4	
	Townhouse	4	
	Civic	4	
USE MIX	Mixed-Use Requirement	Maximum 75% of floor area may be residential	section 27-107B(f) Uses
HEIGHT	Maximum: less than 100 feet from a lot line adjacent to single family zoning district	3 stories or 45 feet, whichever is less	section 27-107D(c) through (f) for floor-to-floor heights per Building Type
	Maximum: greater than 100 feet to a lot line adjacent to single family zoning district	4 stories or 65 feet, whichever is less	
SITE COVERAGE	Maximum Impervious Cover (Sites under 1 acre)	85 percent	section 27-621 Terms Defined
	Maximum Impervious Coverage (Sites 1 Acre or Larger)	80 percent	
LOTS	Lot Area	No minimum	
	Lot Width	20 feet minimum	
SETBACKS	Build-to Zone	No minimum / 20 feet maximum (for restaurant outdoor dining only), 10 feet maximum (all other uses)	
	Parking (front and side corner)	30 feet minimum	
	Side (interior)	No minimum	
	Side (corner)	See front	
	Rear	No minimum	
OPEN SPACE REQUIREMENTS	Plaza	4	section 27-107E Open Space Types
	Green	4	
	Commons	4	
	Park	4	
	Minimum Area (Sites Under 1 Acre)	5 percent of total site area	
	Minimum Area (1 to 10 Acres)	10 percent of total site area	
	Minimum Area (Sites Over 10 Acres)	15 percent of total site area	

4 = permitted

Division 6. Dunwoody Village Districts

27-107B Districts.

DV-2 Village Office District.

CITY COUNCIL DRAFT**(c) DV-2 Village Office District.**

Requirements for this district are provided in figure 27-107B-3. DV-2 District Requirements.

- (1) **Description & Intent.** The DV-2 District is intended to provide areas for small-scale office uses to serve nearby neighborhoods.

Figure 27-107B-3 DV-2 District Requirements

DV-2 VILLAGE OFFICE DISTRICT REQUIREMENTS			Reference
BUILDING TYPES	Shopfront	4	section 27-107D Building Types
	General	4	
	Townhouse		
	Civic	4	
USE MIX	Mixed-Use Requirement	Ground floor residential use not permitted along a public or private street	section 27-107B(f) Uses
HEIGHT	Maximum	3 stories or 52 feet, whichever is less	section 27-107D(c) through (f) for floor-to-floor heights per Building Type
SITE COVERAGE	Maximum Impervious Cover (Sites under 1 acre)	85 percent	section 27-621 Terms Defined
	Maximum Impervious Coverage (Sites 1 Acre or Larger)	80 percent	
LOTS	Lot Area	No minimum	
	Lot Width	16 feet minimum	
SETBACKS	Build-to Zone	No minimum / 20 feet maximum (for restaurant outdoor dining only), 10 feet maximum (all other uses)	
	Parking (front and side corner)	30 feet minimum	
	Side (interior)	No minimum	
	Side (corner)	See front	
	Rear	No minimum	
OPEN SPACE REQUIREMENTS	Plaza	4	section 27-107E Open Space Types
	Green	4	
	Commons	4	
	Park	4	
	Minimum Area (Sites Under 1 Acre)	5 percent of total site area	
	Minimum Area (1 to 10 Acres)	10 percent of total site area	
	Minimum Area (Sites Over 10 Acres)	15 percent of total site area	

4 = permitted

Division 6. Dunwoody Village Districts

27-107B Districts.

DV-3 Village Residential District.

CITY COUNCIL DRAFT**(d) DV-3 Village Residential District.**

Requirements for this district are provided in figure 27-107B-4. DV-3 District Requirements.

- (1) **Description & Intent.** The DV-3 District is intended to provide areas for residential uses that are within walking distance of retail and services. The district also supports existing quasi-public and institutional uses within Dunwoody Village.

Figure 27-107B-4 DV-3 District Requirements

DV-3 VILLAGE RESIDENTIAL DISTRICT REQUIREMENTS			Reference
BUILDING TYPES	Shopfront		section 27-107D Building Types
	General	4	
	Townhouse	4	
	Civic	4	
USE MIX	Mixed-Use Requirement	n/a	section 27-107B(f) Uses
HEIGHT	Maximum	3 stories or 52 feet, whichever is less	section 27-107D(c) through (f) for floor-to-floor heights per Building Type
SITE COVERAGE	Maximum Impervious Cover (Sites under 1 acre)	85 percent	section 27-621 Terms Defined
	Maximum Impervious Coverage (Sites 1 Acre or Larger)	80 percent	
LOTS	Lot Area	No minimum	
	Lot Width	20 feet minimum	
SETBACKS	Build-to Zone	No minimum / 10 feet maximum	
	Parking (front and side corner)	30 foot minimum	
	Side (interior)	10 foot minimum	
	Side (corner)	See front	
	Rear	No minimum	
OPEN SPACE REQUIREMENTS	Plaza	4	section 27-107E Open Space Types
	Green	4	
	Commons	4	
	Park	4	
	Minimum Area (Sites Under 1 Acre)	5 percent of total site area	
	Minimum Area (1 to 10 Acres)	10 percent of total site area	
	Minimum Area (Sites Over 10 Acres)	15 percent of total site area	

4 = permitted

Division 6. Dunwoody Village Districts

27-107B Districts.

DV-4 Village Center District.

CITY COUNCIL DRAFT**(e) DV-4 Village Center District.**

Requirements for this district are provided in figure 27-107B-5. DV-4 District Requirements.

- (1) **Description & Intent.** The DV-4 District is intended to serve as the core of Dunwoody Village and provide its most intense mix of uses, centralized landscaped open spaces, and highly walkable development patterns.

Figure 27-112-5 DV-4 District Requirements

DV-4 VILLAGE CENTER DISTRICT REQUIREMENTS			Reference
BUILDING TYPES	Shopfront	4	section 27-107D Building Types
	General	4	
	Townhouse		
	Civic	4	
USE MIX	Mixed-Use Requirement	For all developments with over 15,000 square feet of floor area, a minimum 2 use categories shall be provided	section 27-107B(f) Uses
HEIGHT	Minimum	2 stories along all public streets	section 27-107D(c) through (f) for floor-to-floor heights per Building Type
	Maximum	5 stories or 80 feet, whichever is less	
SITE COVERAGE	Maximum Impervious Cover (Sites under 1 acre)	95 percent	section 27-621 Terms Defined
	Maximum Impervious Coverage (Sites 1 Acre or Larger)	90 percent	
LOTS	Lot Area	No minimum	
	Lot Width	20 feet minimum	
SETBACKS	Build-to Zone	No minimum / 20 feet maximum (for restaurant outdoor dining only), 10 feet maximum (all other uses)	
	Parking (front and side corner)	30 foot minimum	
	Side (interior)	No minimum	
	Side (corner)	See front	
	Rear	10 foot minimum	
OPEN SPACE REQUIREMENTS	Plaza	4	section 27-107E Open Space Types
	Green	4	
	Commons	4	
	Park	4	
	Minimum Area (Sites Under 1 Acre)	5 percent of total site area	
	Minimum Area (1 to 10 Acres)	10 percent of total site area	
	Minimum Area (Sites Over 10 Acres)	15 percent of total site area	

4 = permitted

Division 6. Dunwoody Village Districts

27-107B Districts.

Uses.

CITY COUNCIL DRAFT**(f) Uses.**

The following applies to all DV districts.

(1) **Use table.** The following apply to the uses outlined in this section. Refer to figure 27-107B-6, use table.

- a. **Use categories.** Refer to sections 27-111 through 27-116.
- b. **Permitted and special uses.** Each use may be permitted as-of-right, permitted with a special administrative permit, permitted as a special exception, or permitted with a special land use permit. Refer to figure 27-107B-6, use tables.
- c. **Number of uses.** A lot may contain more than one use.
- d. **Principal and accessory uses.** Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- e. **Building type.** Each use shall be located within a permitted building type (refer to section 27-107D, building types), unless otherwise specified.

(2) **Use subcategories.** For the purposes of fulfilling the use mix requirements defined in each district table (refer to section 27-107B(b) through section 27-107B(e)), utilize the following subcategories of uses, consisting of those uses listed in the table, that may contribute to the mix. Some permitted uses are not included.

- a. **Lodging and residence subcategory.**
Household living

Group living
Lodging

b. **Civic subcategory.**

Club or lodge, private
Cultural exhibit
Educational services
Hospital
Place of worship

c. **Office subcategory.**

Construction and building sales and service
Medical service
Office or consumer service
Research and testing services

d. **Retail sales subcategory.**

Retail sales
Food and beverage retail sales

e. **Service use subcategory.**

Animal services
Day care
Repair or laundry services, consumer
Personal improvement services
Eating and drinking establishments
Financial services
Entertainment and spectator sports

(3) Live-Work

- a. **Defined.** Accessory nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, or clients to visit.
- b. **Use Standards.** All live-work is subject to the following:
 - 1. Live-work is only allowed when the dwelling unit to which it is accessory has been approved in accordance with figure 27-107B-6, use table.

Division 6. Dunwoody Village Districts

27-107B Districts.

Uses.

CITY COUNCIL DRAFT

2. Live-work is only allowed on the ground story of a building.
3. At least one person must occupy the dwelling containing the live-work use as their primary place of residence.
4. The live-work use may employ no more than two persons not living on the premises at any one time.
5. No business storage or warehousing of material, supplies, or equipment is permitted outside of the dwelling containing the live-work use.
6. The nonresidential use of the live-work use is limited to a use allowed in the DV district.
7. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

Figure 27-107B-6 Use Table

USES		DISTRICT				Reference
	DV-1	DV-2	DV-3	DV-4		
RESIDENTIAL						
Household Living						
Detached house	-	P[6]	-	-		
Attached house, rental	S	-	S	-		
Attached house, owner occupied	P	-	P	-		
Multi-unit building, rental	S[1]	S[1,4]	S[1]	S[1]		
Multi-unit building, owner occupied	S[1]	S[1,4]	S[1]	S[1]		
Age-Restricted Multi-unit building, rental	P	P	P	P		
Age-Restricted Multi-unit building, owner occupied	P	P	P	P		

USES	DISTRICT				Reference
	DV-1	DV-2	DV-3	DV-4	
Live/work	See principal dwelling unit				27-107B(f)(3)
Group Living	S	-	S	S	
QUASI-PUBLIC & INSTITUTIONAL					
Ambulance Service	S	S	S	S	
Club or Lodge, Private	P	-	-	P	
Cultural Exhibit	P	P	P	P	
Day Care	P	P	P	P	
Educational Services	S	S	-	S	
Hospital	-	-	-	-	
Place of Worship	P	P	P	P	27-146
Utility Facility, Essential	P	P	P	P	27-151
COMMERCIAL					
Animal Services	S	S	-	P	
Microbrewery, wine specialty shop, distillery, cidery	P[2]	-	-	P[2]	
Communication Services					
Telecommunications antenna mounted to building or similar structure	A	A	A	A	
All other	P	P	P	P	
Standalone tower	S	S	S	S	
Construction and Building Sales and Services	P[2]	-	-	P[2]	
Eating and Drinking Establishments					
Food truck	P	P	-	P	27-138
Other eating or drinking establishment	P[2]	-	-	P[2]	
Drive-through Facility	-	-	-	-	
Entertainment and Spectator Sports					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Financial Services					
Brokerage and investment services	P	P	-	P	
Banks, credit unions, savings and loan associations	P[3]	P[3]	-	P[3]	
Food and Beverage Retail Sales	P[2]	-	-	P[2]	
Funeral and Interment Services	-	-	-	-	
Lodging	P	P	-	P	
Medical Service	P	P	-	P	
Office or Consumer Service	P	P		P	
Parking, Non-accessory	P	P	-	P	27-107D(i)(5)
Parking Structures, Accessory or Non-Accessory	S[7]	S[7]	S[7]	S[7]	27-107D(i)(5)

Division 6. Dunwoody Village Districts

27-107B Districts.

Uses.

CITY COUNCIL DRAFT

USES	DISTRICT				Reference
	DV-1	DV-2	DV-3	DV-4	
Personal Improvement Service	P[2]	P[2]	-	P[2]	
Repair or Laundry Service, Consumer	P	P	-	P	
Research and Testing Services	P	P	-	P	
Retail Sales	P[2]	-	-	P[2]	
Sports and Recreation, Participant					
Indoor	P[2]	-	-	P[2]	
Outdoor	-	-	-	-	
Vehicle and Equipment, Sales and Service					
Gasoline sales	-	-	-	-	
Vehicle sales and rental	P[5]	-	-	P[5]	27-154
Vehicle repair, minor	-	-	-	-	27-153

P = use permitted as of right

A = special administrative permit required

S = special land use permit required

- [1] No more than 60% of dwelling units may have a floor area of less than 800 square feet.
- [2] Individual establishments shall not exceed 50,000 square feet in gross floor area.
- [3] Use shall not be located within 1,320 feet of the same use (as measured in a straight line from property line to property line), including any uses not within a DV district.
- [4] Use shall not be located on the ground story along any public or private street. When the use is allowed on the ground story it must be set at least 30 feet behind the street-facing façade.
- [5] No more than 4 vehicles for sale or rent may be displayed on site. All vehicles for sale or rent must be located in conditioned space.
- [6] Detached houses shall be subject to the Street Façade Design Requirements of the Townhouse building type. No other building type standards shall apply.
- [7] A special land use permit is only required for accessory or non-accessory parking structures when any above-ground portion of such structure is located within 200 feet of a single-family residential zoning district. The use is permitted as of right in all other locations.

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Streets, Blocks, and Paths.

CITY COUNCIL DRAFT

27-107C General Regulations

(a) Streets, Blocks, and Paths.

(1) **Intent.** The intent of the following is to form an interconnected network of streets with multiple intersections and block sizes scaled to support multiple modes of transportation, including walking, biking, transit use, and driving, within Dunwoody Village. Refer to chapter 16 for additional regulations.

(2) **Applicability.** New development and redevelopment must meet these street, block, and path requirements under any of the following circumstances:

- a. **New structure.** Development of a new principal structure on a lot or portion of a lot.
- b. **Redevelopment or renovation.** Redevelopment or renovation to an existing structure or site that increases the gross building square footage by more than 10 percent over a 12-month period.
- c. **Parking lots.** Redevelopment or revision to 10 percent or more of an existing parking lot or development of a new parking lot, not including resurfacing, restriping, or minor repairs to an existing lot.

(3) New street locations.

- a. **Regulating map streets.** New streets must be installed in the approximate locations shown on figure 27-107B-1, regulating map, in order to establish a network that fulfills the streets, block, and path intent and regulations. Additional

streets not shown on the regulating map are also allowed.

- b. **Community development approval.** The design and locations of all streets shall be approved by the community development director during the site plan review process.

(4) **Street connectivity.** The following provides requirements and guidance for locating new streets and connecting to surrounding context.

- a. The arrangement of streets must provide for the continuation of existing streets from adjoining areas into new developments.
- b. Cul-de-sac and dead-end streets shall only be allowed where topography and other existing barriers, such as or waterways, prevent street connectivity.
- c. Streets must follow natural features rather than interrupting or dead-ending at the feature.
- d. Streets must terminate at another street with either landscaped open space or a building façade across from the termination.
- e. When adjacent developments do not provide street connectivity, applicants must coordinate with the community development director to determine the potential for future connections and provide for those connections.

(5) **Block configuration.** Refer to figure 27-107C-1 for an illustration of typical block elements and section 16-240 for blocks.

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27-107C General Regulations
Streets, Blocks, and Paths.

CITY COUNCIL DRAFT

- a. Blocks should be deep enough to accommodate buildings that face streets with parking located in the interior of the block.

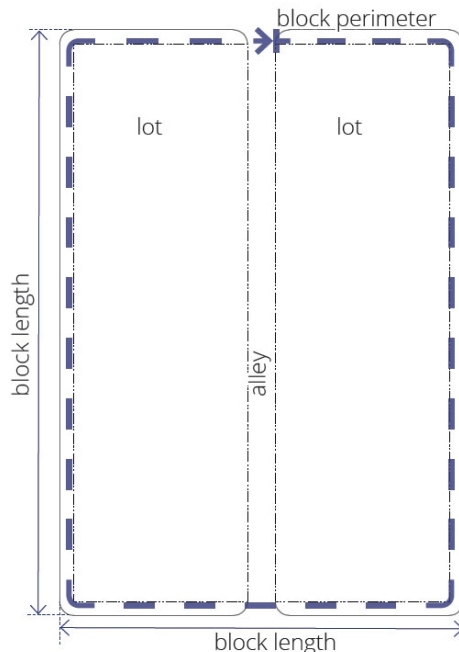


Figure 27-107C-1 Typical Block Elements

- b. Blocks may be configured to include existing lots within an existing zoning district that is not a DV district.
- c. A network of streets is required to meet the maximum block size requirement.
- d. Maximum block perimeter is 1,800 feet, except where the new streets required by the regulating map result in a smaller block perimeter, in which case such smaller block perimeter shall apply.
- e. Exceptions to block sizes may be granted by the community development director for new blocks that contain only open spaces or in locations adjacent to natural features such as steep grades and drainage

areas, or other existing physical barriers.

(6) Block driveway access.

- a. Blocks may include internal alleys, drives, or driveway entrances for service, parking accessibility, and other routes internal to the development.
- b. Alleys shall have a maximum paved surface width of:
1. Twelve feet when only serving attached houses; otherwise
 2. Twenty-four feet.
- c. Alleys and driveways should be aligned with alleys, driveways, and similar access points in other blocks.

(7) Mid-block pedestrian ways.

- a. Mid-block pedestrian ways are required through blocks longer than 800 feet and at locations that connect public rights-of-way with other public facilities such as parks and transit stops.
- b. When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.
- c. Mid-block pedestrian ways should be located in the middle third of a block face.
- d. The minimum width for mid-block pedestrian ways rights-of-way or easements is 20 feet.
- e. A minimum of one canopy tree per 600 square feet of area is required.
- f. Mid-block pedestrian ways shall be treated with the same design

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Streets, Blocks, and Paths.

CITY COUNCIL DRAFT

requirements as existing streets per subsection (8), streetscapes.

- g. Required new pedestrian paths per figure 27-107B-1 may fulfill the requirements for mid-block pedestrian ways.

(8) Streetscapes.

- a. **Applicability.** The following standards apply on existing and new public or private streets.
- b. **Landscape area.** All streets must incorporate the following landscape area abutting the back of the curb:
 - 1. **New streets.** Refer to section 27-107C(9), new streets.
 - 2. **Existing streets.** A minimum 6-foot wide landscaped area, except when an official City plan or project uses an alternate design. When an alternate design is used, existing streets must conform to said design.
- c. **Sidewalk area.** All streets must incorporate the following sidewalks immediately adjacent to the required landscape area:
 - 1. **New streets.** Refer to section 27-107C(9), new streets.
 - 2. **Existing streets.** A minimum 12-foot wide sidewalk, except when an official City plan or project uses an alternate design. When an alternate design is used, existing streets must conform to said design.
- d. **Buildings.** Buildings must be built to the back of the sidewalk as established by build-to zone

regulations. If buildings are set back from the edge of the required sidewalk, the setback area must include features such as outdoor dining and seating areas or plazas and landscaped open spaces that provide a safe, comfortable, and active environment for pedestrians.

- e. **Lighting.** Lighting must conform to the following:
 - 1. Pedestrian and street lighting must be installed in the streetscape landscape zone at intervals of 50 to 70 feet on center and must be located an equal distance from required street trees.
 - 2. Pole height may not exceed 15 feet.
 - 3. Light poles and lamps must be selected from the city's approved streetscape list, which is available in the public works department. Alternative designs may be approved on a case-by-case basis with the approval of the community development director.
- f. **Street Furniture.** Street furniture must be provided as follows:
 - 1. Benches and trash and recycling receptacles must be installed every 250 feet along the street and at each building entrance adjacent to a pedestrian walkway.
 - 2. Furniture must be selected from the city's approved streetscape list, which is available in the

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Streets, Blocks, and Paths.

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community development
 department; alternative designs
 may be approved on a case-by-
 case basis with the approval of
 the community development
 director.

- g. **Maintenance.** Maintenance of trash and recycling receptacles, including servicing, repair, and replacement, is the full responsibility of the nearest adjacent property owner.
 - h. **Recycling receptacles.** Recycling receptacles must be clearly identified with symbols and/or text indicating its intended use.
- (9) **New Streets.** The following apply to all new streets, including those not required by the regulating map.
- a. **Street type.** All new streets must be designed in accordance with new street type a, except where new street type b or new street type c are authorized by approval of both the community development director and the public works director, and except as provided for in "d" below.
 - b. **Public use.** All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.
 - c. **Public street standards.** All new streets shall be public streets or private streets built to public standards.

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Streets, Blocks, and Paths.

CITY COUNCIL DRAFT

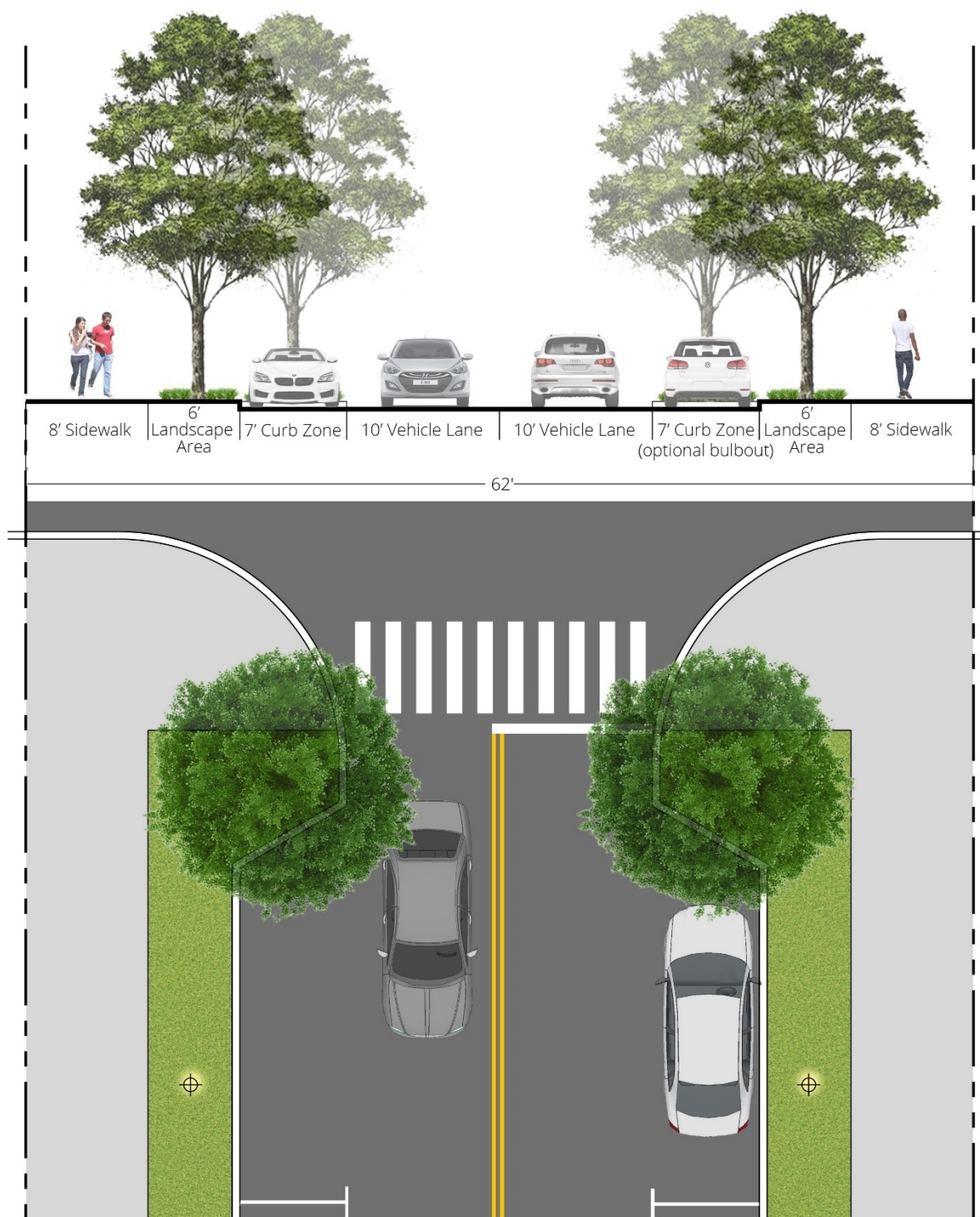


Figure 27-107C-4 New Street Type A (not to scale)

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27-107C General Regulations
 Streets, Blocks, and Paths.

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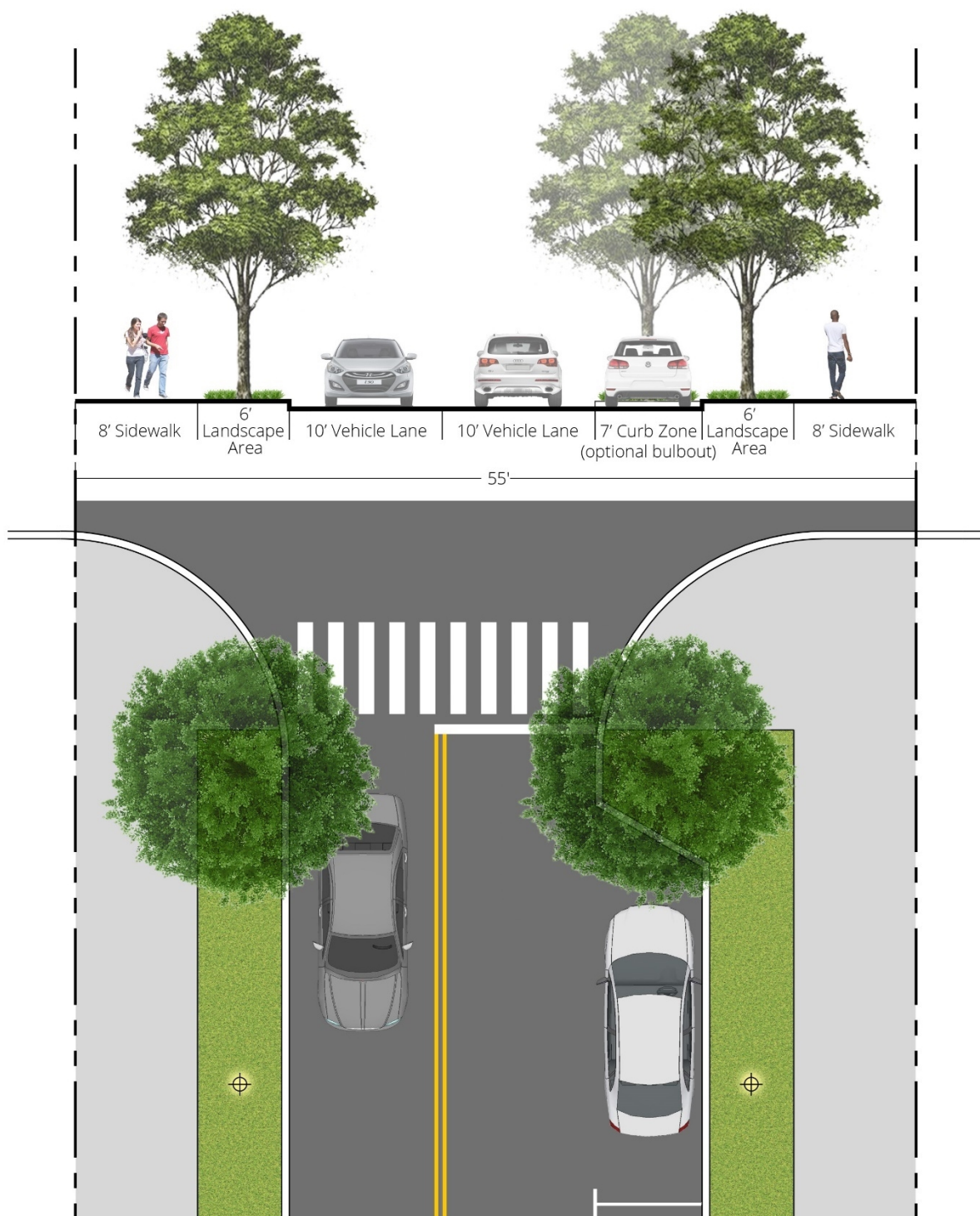


Figure 27-107C-3 New Street Type B (not to scale)

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 Streets, Blocks, and Paths.

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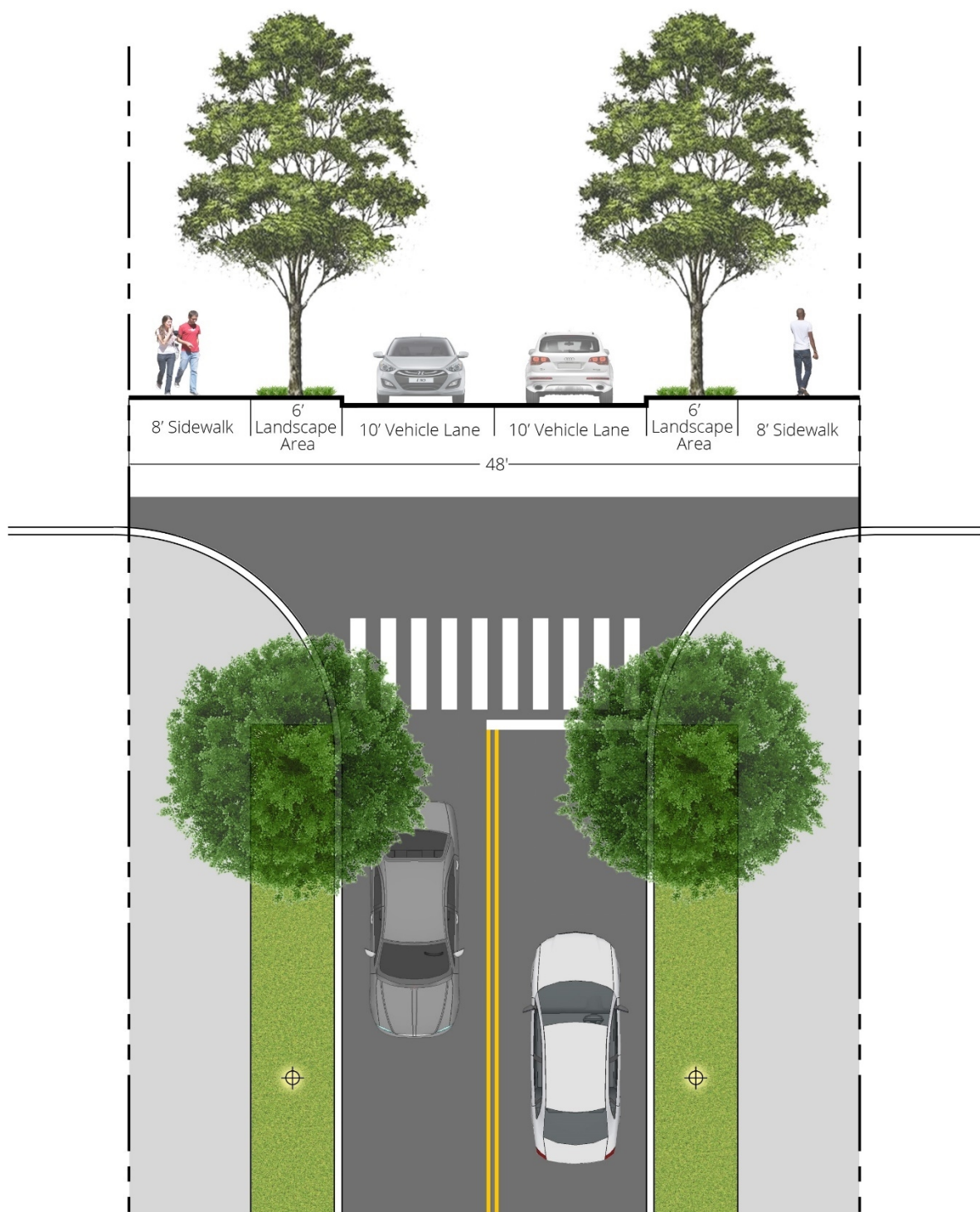


Figure 27-107C-2 New Street Type C (not to scale)

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27-107C General Regulations
 Streets, Blocks, and Paths.

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d. **Street design minor exceptions.**

Minor exceptions to the street types identified in "a" above may be authorized by approval of both the community development director and the public works director where both directors find that the minor exception is for one or more of the following public purposes:

1. To provide on- or off-street bicycle facilities;
2. To provide narrower sidewalks or landscaped zones in order to accommodate existing buildings, existing landscaping, existing topography, other existing features, lot size, or lot shape which restrict the ability to provide the required width;
3. To provide a median, a left turn lane, or combination thereof;
4. To add or eliminate bulb-outs;
5. To provide hardscape surface in the landscaped zone in order to provide pedestrian access to adjacent on-street parking;
6. To provide alternative curb zone or on-street parking configurations, such as angled parking, or to eliminate on-street parking along one or both sides;
7. To increase or decrease the travel lane width; or
8. To provide traffic calming or pedestrian safety measures.

(10) **Pedestrian paths.**

- a. **Location.** New pedestrian paths shall be required in the approximate

location shown in the Dunwoody Village Master Plan or other plan that has been adopted by the City, in order to establish an off-street bicycle and pedestrian network. Additional pedestrian paths not shown in adopted plans are also allowed.

- b. **Path type.** All new paths shall be designed in accordance with figure 27-107C-5, new pedestrian path.
- c. **Public use.** All pedestrian paths shall be available for public use at all times. Gated pedestrian paths or paths posted as private are not permitted.

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Required shopfronts.

CITY COUNCIL DRAFT

d. Adjustments to requirements.

During the pre-submittal conference, the community development director



Figure 27-107C-5 New Pedestrian Path (not to scale)

and/or public works director may adjust requirements for path location, right-of-way width and alignment, pavement width, or pedestrian path elements depending on unique site locations and characteristics.

(b) Required shopfronts.

New shopfront buildings (refer to section 27-107D(e)) must be constructed in areas shown on figure 27-107B-1, regulating map, in order to concentrate commercial activity in a pedestrian-friendly location.

(c) Parking and circulation.

The parking and circulation regulations of article IV, division 1 apply except as modified by the following regulations. (Refer also to the parking regulations of 27-107D(i)(5).)

(1) Parking may be provided in excess of the citywide parking maximums by special exception (see article V, division 6) only when all of the following occur:

- The excess parking is located within a parking deck having at least two parking levels.
- The excess parking is located in a location identified as a public parking opportunity on the regulating map.
- The excess parking is available to the general public, either with or without paying a fee, on a daily basis.
- The excess parking may not be assigned to or otherwise deemed accessory to any on-site or off-site use.

(2) Parking lots and parking structures must observe the parking setbacks established by district regulation and building type. Parking lot and parking structure setbacks are shown in figure 27-107C-6.

(3) Parking lots must be set back from a lot line abutting another property a minimum of five feet.

(4) Any parking deck which faces any public or private street must provide an intervening building having habitable space along the full length of the parking structure.

(5) Wherever possible, parking lots must be confined to the rear of structures and parking decks must be placed underground.

Division 6. Dunwoody Village Districts
27-107C General Regulations
 Landscaping.

CITY COUNCIL DRAFT

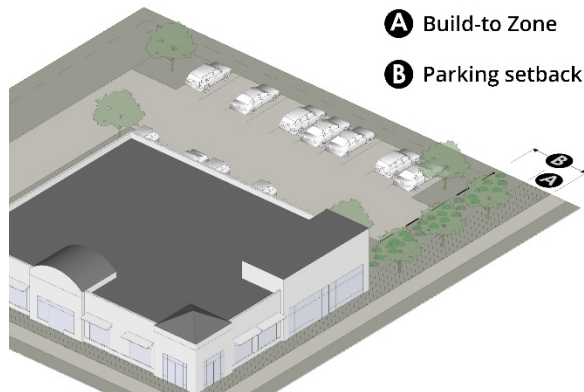


Figure 27-107C-6 Parking setback for parking lots and parking structures

(d) Landscaping.

- (1) The landscaping and screening regulations of article IV, division 2, apply.
- (2) Street tree regulations of chapter 16, section 16-238 apply.

(e) Service areas, retaining walls, parking, and drive-throughs.

- (1) Dumpsters and other building service areas must be concealed from view of public rights-of-way, publicly accessible areas of the site, and residential zoning districts. All dumpsters must be concealed with secured gates screening in accordance with section 27-231.
- (2) Retaining walls must comply with the city building code. Visible areas of retaining wall must be faced with brick or stone compatible with the façade materials of the closest downhill building. Visible horizontal retaining wall expanses exceeding 20 feet must include offset pilasters faced with the same brick or stone as the wall, rising three courses above the top of the adjoining wall, and finished with a double course capital of the same brick or stone. As used here,

"visible" means visible from a public street, private street, or adjacent parcels.

- (3) Parking must be concealed from view of public rights-of-way by buildings, evergreen hedges, or street walls. Evergreen hedges and street walls must be no less than 75 percent opaque and built along the build-to-line. Street walls must be a minimum of 3.5 feet in height. The street wall shall have other individual openings not exceeding four square feet in area at height of less than 3.5 feet.
- (4) Utilities must be placed underground unless otherwise approved by the director of community development.
- (5) New drive-throughs are prohibited and existing drive-throughs shall be deemed non-conforming uses subject to section 27-554.

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27-107D Building Types.
 General standards.

CITY COUNCIL DRAFT

27-107D Building Types.

(a) **General standards.**

The building types detailed in this section define the required building forms for new construction and renovated structures within the DV districts defined in section 27-107B, districts.

(b) **Applicability.** The provisions of this section shall only apply to improvements which involve one or more of the following:

- (1) **New structure.** Development of a new principal structure on a lot or portion of a lot; or
- (2) **Expansions of existing structures.** Redevelopment or expansion that results in an increase in existing building gross floor area on the subject property by more than 10 percent, based on the total floor area added over the previous 12-month period.

(c) **Districts, building types.**

For each lot, a designated DV district is found on figure 27-107B-1, regulating map.

- (1) **District.** Each district, per section 27-107B, districts, has a set of requirements related to permitted building types, building height, site coverage, lot dimensions, setbacks, uses, and open spaces.
- (2) **Building types.** Each building type, as established in this section has a set of requirements.
- (3) **Uses.** Uses are permitted by district, per 27-107B27-107B(f), uses. Each building type can house a variety of uses depending on the district in which it is located. Some building types have

additional limitations on permitted uses as located within the building.

(4) **Multiple principal structures.** Multiple structures are permitted on all lots. All structures shall meet the requirements of one of the permitted building types for the district.

(5) **Permanent structures.** All buildings constructed shall be permanent construction, unless otherwise noted.

(6) **Other structures.** Utility structures and towers permitted in the district are exempt from the building type standards.

(7) **Build to the corner.**

- a. The corner of the lot is defined as the intersection of the two build-to zones of each street.
- b. Buildings shall be built up to the corner along both adjoining streets, occupying the intersection of the two build-to zones of any intersection streets. Courtyards shall not be located in this area.

(8) **Treatment of build-to zones, setbacks.** See section 27-621 terms defined for definition of build-to zones and setbacks.

- a. **Landscape areas.** All build-to zones and setbacks not containing authorized buildings shall only contain courtyards (as permitted by street type frontage), plazas (as permitted by street type frontage), patios (as permitted by street type frontage), sidewalk or path extensions, buffers, and/or landscape yards, unless otherwise specifically noted.

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 Districts, building types.

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(9) Driveways.

- a. **Public works director.** The public works director shall determine the need to close existing driveways, width of driveways, and proximity of driveways to other driveways or streets.
- b. **Alleys/lanes.** Access from an adjacent alley or lane is unlimited. Construction of new private or public alleys/lanes through blocks is encouraged. Typically, alleys or lanes cut through a block and provide vehicular access to multiple garages, parking lots, or service areas.
- c. **Secondary street access.** If no alley exists, one driveway access per 200 linear feet of street frontage or two total driveway access points, whichever is greater, are permitted from each secondary street per site.
- d. **Driveway access.** If no alley or secondary street exists, one driveway access point is permitted off each primary street.
- e. **Shared driveways.** Shared driveways are required for all adjacent developments.
- f. **Inter-lot drives.** When two or more parking lots are located adjacent to each other and each lot is within the same DV district, the parking lots shall be connected with a drive perpendicularly crossing the transition yard. Other parking lots should be connected wherever practical.
- g. **Pedestrian facilities.** At-grade, designated pedestrian routes,

including sidewalks and crosswalks, shall be provided to connect each parking area to either the primary sidewalk (and front entrance) or a rear public entrance.

1. Vehicular areas, such as driveways, parking lot aisles, bike lanes/facilities, and parking areas, shall not be utilized as designated pedestrian routes.
2. Pedestrian connections are required between all adjacent sites and land uses.

- h. **Driveway location.** Driveways may cross perpendicularly through build-to zones and setbacks, or to connect to a parking lot on an abutting lot.

(10) Loading facilities.

- a. Loading facilities may not face a primary street.
- b. Loading facilities may not be located in any required building setback area or within the build-to zone.
- c. The preferred location for loading facilities is in the interior of the lot, not visible from any streets.
- d. Loading facilities visible from a street must be screened from the sidewalk by a fence/wall or a combination of fence/wall and landscape screening.
 1. **Fence/wall.** Fences and walls shall be no taller than six feet and shall have a minimum overall opacity of 80 percent. Materials must meet the requirements of section 27-107D(d)(3)a, predominant exterior materials.

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 Architectural standards.

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2. **Landscape.** Tree canopies shall be used to screen above the six-foot wall or fence.
 3. **Shrubs and hedges.** Shrubs and hedges may be utilized to fulfill no more than one third of the screening, as measured along the screen length. A double row of five-gallon shrubs, with mature height of a minimum six feet, is required.
- (11) **Accessory buildings.**
- a. Attached accessory structures are considered part of the principal structure and shall meet all requirements of the principal structure.
 - b. Detached accessory structures are not permitted between the face of the building and any public or private street right-of-way line.
- (d) **Architectural standards.**
- (1) **Applicable façades.** These standards shall apply to all façades visible from the street, facing streets, facing main parking lots, and adjacent to open spaces, unless otherwise noted.
 - (2) **Applicability.** In addition to the applicability requirements of 27-107D(b), the provisions of this section shall apply to any alteration to an existing structure that includes renovation of more than 25 percent of an applicable façade. Work that includes maintenance and repair of the existing doors, windows, paint, and roofs does not apply.
 - (3) **Exterior materials.**
 - a. **Predominant exterior materials.** Predominant exterior finish materials are limited to:
 1. Brick;
 2. Unpainted natural stone;
 3. Fiber cement siding;
 4. Hard-coat stucco; or
 5. Architectural ceramic panels.
 - b. **Secondary exterior materials.** Secondary façade materials include all predominant materials. Other materials may be approved by the director of community development during the site plan review process.
 - c. **Accent materials.** The following materials may be used for trim, details, soffits, eaves, and other accent areas: all predominant exterior materials, wood (including painted wood), synthetic materials, fiber cement, and aluminum or other durable metals. Other materials may be approved by the director of community development.
 - d. **Restrictions.** The use of plain concrete block, aluminum siding, and vinyl siding are prohibited as façade materials.
 - e. **Roof materials.** Acceptable roofing materials include asphalt shingles, wood shingles, reflective flat roofing systems, and other materials approved by the director of community development. Wherever asphalt shingles are used, they shall be a minimum three-dimensional architectural type. Standing seam

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 Architectural standards.

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metal roofs are permitted only as accents on porches or dormers.

(4) Building façades.

- a. Façades shall provide front entrance(s) that are distinct and visible from the street, but should not exaggerate or double the height of the entrance.
- b. Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and/or balconies to provide expressive character.
- c. Façades of all buildings with two or more stories shall provide a discernable base, middle, and cap that are clearly defined by horizontal elements along the bottom and top of the building. Expression of the elements should be handled through changes in material selection, color, or plane. Use of horizontal bands, cornices, and/or varied window patterns can assist in expression.
- d. Building wall materials may be combined on each façade only horizontally, with the lighter above more substantial materials.
- e. All glass shall be clear and free of color.
- f. Low pitch or flat roofs must be enclosed by a parapet that is a minimum of 42 inches in height, or a greater height as necessary to conceal mechanical equipment.
- g. Hardwood used for rafters, fascia boards, and all visible portions of roof decking shall be varnished,

oiled, stained, or painted. Pressure treated wood shall be painted.

- (5) Awnings.** All awnings must be canvas, glass, or metal. Plastic awnings are prohibited. Canvas and metal awnings may not be translucent.

- (6) Shutters.** Where installed, shutters, whether functional or not, must be designed to the following standards:

- a. All shutters must be sized for the windows, so that if the shutters were to be closed, they would not be too small for complete coverage of the window.
- b. Shutters must be wood, metal, or fiber cement. Other "engineered" woods may be approved during the site plan review process with an approved sample and examples of successful, high quality local installations.

- (7) Garage doors.** The following requirements apply to garage doors provided on any street façade:

- a. **Location.** Garage doors are not permitted on primary street façades unless not utilized for vehicular access (but may be used for patio access, open air dining, or similar purposes). Garage doors are permitted on secondary street façades with direct access to the street. The preferred location is on interior lot façades.
- b. **Recessed from façades.** Garage doors located on street facing façades shall be recessed a minimum of three feet from the dominant

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façade of the principal building facing the same street.

- c. **Design.** Garage doors facing a secondary street and intended to be closed during business hours shall be clad with materials consistent with the design of the building. Carriage-style doors are required on the townhouse building type.

(8) Ground story at sloping façades.

- a. **Intent.** Given the topography in many parts of Dunwoody Village, building design must accommodate grade changes along the sidewalk without creating tall, out-of-scale blank walls. Large, unarticulated building façades signal to pedestrians that an area is not intended for walking, reducing activity in the area and creating dead zones.
- b. **Regulations for shopfronts.**
 1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
 2. Unless impracticable, the interior floor level shall step to match the exterior grade.
 3. If it is necessary for the interior floor to remain constant along the grade, changes may be accommodated by a storefront window display space.
 4. Knee wall and retaining walls shall not exceed 30 inches in

height except along a maximum 15-foot section of façade length.

5. If grade change is more than 12 feet along a single block face, entrance requirements may be increased to one entrance per 80 feet of building frontage.

c. **Regulations for residential and other building frontages.**

1. Grade transitions at the building along the sidewalk should be designed to minimize blank walls.
2. Unless impracticable, the interior floor level should step to match the exterior grade.
3. Transition zones between the sidewalk and building façade of porches, terraces, and landscape areas may be used assist with grade changes.
4. If it is necessary for the interior floor to remain constant along the grade, changes can be accommodated by terraced planters and retaining walls.
5. Retaining walls shall not exceed 30 inches in height except along a maximum 15-foot section of frontage.
6. When the elevation of the first floor is more than three feet above grade, windows should be provided into the basement or lower floor elevations.

(9) Multi-unit building balconies. All multi-unit residential buildings, including

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those incorporating non-residential uses, shall incorporate balconies as follows:

- a. At least 50% of the dwelling units located on façades facing streets or facades adjacent to open spaces must provide private balconies.
- b. Required balconies must have a minimum depth of 4 feet and a minimum width of 8 feet.
- c. Required balconies may be covered or uncovered.

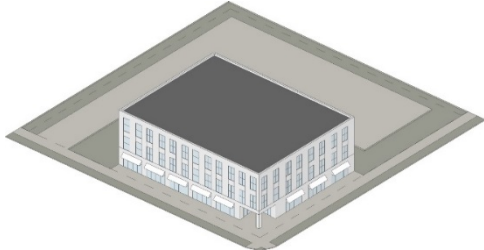
Division 6. Dunwoody Village Districts
27-107D Building Types.
 Shopfront building regulations.

CITY COUNCIL DRAFT

(e) Shopfront building regulations.

(1) **Intent.** The shopfront building is intended for use as a mixed-use building located close to the sidewalk with parking in the rear or side of the lot. The most distinctive element of this building type is the ground floor front façade with large amounts of storefront glass and regularly spaced pedestrian entrances along the sidewalk, typically for retail and service uses.

(2) **Standards.** The following are the regulations for shopfront buildings.

SHOPFRONT BUILDING STANDARDS				
	DV-1 Village Commercial District	DV-2 Village Office District	DV-4 Village Center District	
	BUILDING SITING See section 27-107B, districts, for build-to zone dimensions by DV district			
	Percent of building façade in build-to zone (primary street)	70% min.	60% min.	90% min.
	Percent of building façade in build-to zone (all other existing and new streets)	50% min.	No min.	50% min.
	Off-street parking along frontage	Not permitted	Not permitted	Not permitted
FLOOR-TO-FLOOR HEIGHT See figure 27-107D-2 Measuring Story Height and section 27-107(i)(2) Floor-To-Floor Height.				
Ground Story Minimum Height	14 ft.	14 ft.	14 ft.	
Ground Story Maximum Height	30 ft.	24 ft.	30 ft.	
Ground Story Elevation	80% between 0 to 2 ft. above adjacent sidewalk in right-of-way; visible basement not permitted (see 27-107D(d)(8) Ground Story at Sloping Façades for stepping façades at sloped sidewalks)			
USES				
Ground Story	any retail subcategory, service subcategory, lobbies for lodging (see 27-107B(f) uses) permitted in the district			
Upper Story	any use permitted in the district			
Parking within Building	permitted fully in any basement and in rear of ground and upper stories; parking entrance shall not be on a primary street			
Required Occupied Space	30 ft. deep from any façade on all ground and upper stories			
STREET FAÇADE DESIGN REQUIREMENTS See section 27-114(d)(4) Street Façade Design Requirements				
Ground Story Fenestration Measured between 2 and 10 ft. above grade	75% min.	60% min.	75% min.	
Upper Story Fenestration	15% min.	15% min.	15% min.	
Ground Story Blank Wall along a Primary Street	20 ft. max. length or height			
Entry Area	recessed between 3 and 8 ft. from the façade closest to the street			
Entrance Elevation	within 2 ft. of average grade at the sidewalk adjacent to entrance			
Required Number of Street Entrances along a Primary Street	1 per establishment located along the front façade			
Vertical Façade Divisions	1 per 30 ft. of façade width max.			

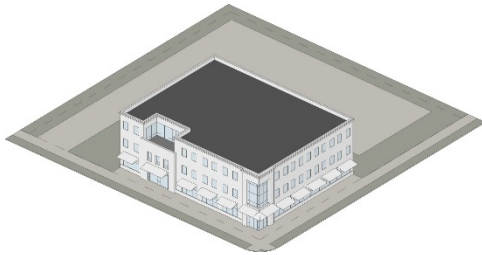
Division 6. Dunwoody Village Districts
27-107D Building Types.
 General building regulations.

CITY COUNCIL DRAFT

(f) General building regulations.

(1) **Intent.** The general building is intended to be built close to the sidewalk, but may also have a landscape yard. This building can be structured to house offices or residential uses including multi-family, and may have limited amounts of accessory retail and service uses in the ground floor. Parking is typically provided in structures at the rear of the lot, internally in the rear of the building, but may also have limited surface parking along the side of the building.

(2) **Standards.** The following are the regulations for general buildings.


GENERAL BUILDING STANDARDS					
	DV-1 Village Commercial District	DV-2 Village Office District	DV-3 Village Residential District	DV-4 Village Core District	
	BUILDING SITING See section 27-107B, districts, for build-to zone dimensions by DV district				
	Percent of building façade in build-to zone (primary street)	80% min.	70% min.	60% min.	80% min.
	Percent of building façade in build-to zone (all other existing and new streets)	30% min.	30% min.	30% min.	30% min.
Off-street parking along Frontage	Not permitted	Not permitted	Not permitted	Not permitted	
FLOOR-TO-FLOOR HEIGHT See figure 27-107D-2 Measuring Story Height and section 27-107(i)(2) Floor-To-Floor Height.					
Ground Story Minimum Height	14 ft.	14 ft.	12 ft.	14 ft.	
Ground Story Maximum Height	30 ft.	24 ft.	24 ft.	30 ft.	
Ground Story Elevation	maximum of 2.5 ft. above the adjacent sidewalk in right-of-way without visible basement and a maximum of 4.5 ft. above the sidewalk with a visible basement				
USES					
Ground Story	any use permitted in the district				
Upper Story	any use permitted in the district				
Parking within Building	permitted fully in any basement and in rear of ground and upper floors; parking entrance shall not on a primary street				
Required Occupied Space	30 ft. deep from any façade on all ground and upper stories				
STREET FAÇADE DESIGN REQUIREMENTS See section 27-114(d)(4) Street Façade Design Requirements					
Ground Story Fenestration Measured between 2 and 10 ft. above grade	20% min.	20% min.	20% min.	20% min.	
Upper Story Fenestration	15% min.	15% min.	15% min.	15% min.	
Ground Story Blank Wall along a primary street	30 ft. max. length or height				
Entry Area	recessed minimum 3 ft. from the façade closest to the street				
Required Number of Street Entrances along a primary street	1 per 150 ft. width of front façade				
Vertical Façade Divisions	1 per 150 ft. of façade width max.				

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27-107D Building Types.
 Townhouse building regulations

CITY COUNCIL DRAFT

(g) **Townhouse building regulations**

- (1) **Intent.** The townhouse building is typically comprised of several multi-story attached house units, located adjacent to each other, each with its own pedestrian entrance to the street.
- (2) **Standards.** The following are the regulations for townhouse buildings.

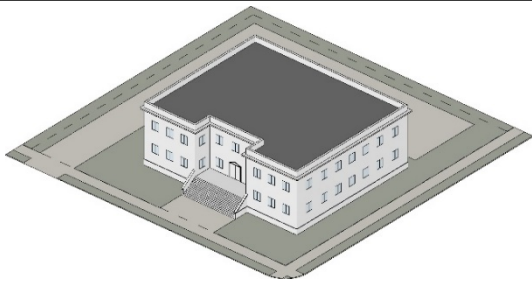
TOWNHOUSE BUILDING STANDARDS					
	DV-1 Village Commercial District	DV-2 Village Office District (townhouses not permitted)	DV-3 Village Residential District	DV-4 Village Center District (townhouses not permitted)	
	BUILDING SITING See section 27-107B districts, for build-to zone dimensions by DV district				
	Percent of building façade in build-to zone (primary street)	65% max.	n/a	65% max.	n/a
	Percent of building façade in build-to zone (all other existing and new streets)	No min.	n/a	No min.	n/a
	Off-street parking along Frontage	Not permitted	n/a	Not permitted	n/a
FLOOR-TO-FLOOR HEIGHT See figure 27-107D-2 Measuring Story Height and section 27-107(i)(2) Floor-To-Floor Height.					
Ground Story Minimum Height	9 ft.	n/a	9 ft.	n/a	
Ground Story Maximum Height	14 ft.	n/a	14 ft.	n/a	
Ground Story Elevation	maximum of 2.5 ft. above the sidewalk without a visible basement and a maximum of 4.5 ft. above the sidewalk with a visible basement				
USES					
Ground Stories	attached house, live-work				
Upper Story	attached house				
Parking within Building	permitted fully in any basement and in rear of ground and upper floors; garage doors and access to structured parking shall be off an interior side or rear façade (not a street façade), except parking may be front or rear loaded from an internal driveway				
Required Occupied Space	20 feet deep from any façade along a primary street on all ground and upper stories				
STREET FAÇADE DESIGN REQUIREMENTS See section 27-114(d)(4) Street Façade Design Requirements					
Ground Story Fenestration Measured between 2 and 10 ft. above grade	15% min.	n/a	15% min.	n/a	
Ground Story Blank Wall along a Primary Street	No max.	n/a	No max.	n/a	
Entry Area	Entrance shall be off a stoop or a porch. See 27-621 Terms Defined. The porch shall be a least 5 feet deep and 8 feet wide. The stoop shall be at least 3 feet deep and 5 feet wide.				
Required Number of Street Entrances	1 per unit	n/a	1 per unit	n/a	
Vertical Façade Divisions	No more than two side by side units may share the same façade plane and then a 2 foot offset is required.				

Division 6. Dunwoody Village Districts
27-107D Building Types.
 Civic building regulations

CITY COUNCIL DRAFT

(h) **Civic building regulations**

- (1) **Intent.** The civic building is the most flexible building type and is limited to civic and institutional types of uses. These buildings are distinctive within the village fabric created by the other building types and could be designed as iconic structures.
- (2) **Standards.** The following are the regulations for civic buildings.

CIVIC BUILDING STANDARDS				
	DV-1 Village Commercial District	DV-2 Village Office District	DV-3 Village Residential District	DV-4 Village Center District
BUILDING SITING See section 27-107B, districts, for build-to zone dimensions by DV district				
Percent of building façade in build-to zone (all streets)	No min.	No min.	No min.	No min.
Off-street parking along Frontage	Not permitted	Not permitted	Not permitted	Not permitted
FLOOR-TO-FLOOR HEIGHT See figure 27-107D-2 Measuring Story Height and section 27-107(i)(2) Floor-To-Floor Height.				
Ground Story Minimum Height	14 ft.	14 ft.	14 ft..	14 ft.
Ground Story Maximum Height	30 ft.	30 ft.	30 ft.	30 ft.
Ground Story Elevation	maximum of 2.5 ft. above the adjacent sidewalk in right-of-way without visible basement and a maximum of 4.5 ft. above the sidewalk with a visible basement			
USES				
All Stories	Limited to civic subcategory of uses			
Parking within Building	Permitted fully in any basement and in rear of ground and upper floors; entrance should be from an interior façade			
Required Occupied Space	30 feet deep from any façade along a primary street on all ground floor and upper stories			
STREET FAÇADE DESIGN REQUIREMENTS See section 27-114(d)(4) Street Façade Design Requirements				
Ground Story Fenestration Measured between 2 and 10 ft. above grade	20% min.	20% min.	20% min.	20% min.
Ground Story Blank Wall along a Primary Street	No max.			
Entry Area	Entrance shall be off a stoop or a porch. Refer to 27-621 Terms Defined. Porch shall be at least 5 feet deep and 8 feet wide. Stoop shall be at least 3 feet deep and 5 feet wide.			
Required Number of Street Entrances	One per building			
Ground Story Vertical Façade Divisions	none required			

27-107D Building Types.

Explanation of specific building type requirements.

CITY COUNCIL DRAFT**(i) Explanation of specific building type requirements.**

The following explains and further defines the standards outlined on the tables on the previous pages, specific to each building type.

(1) **Building siting.** The following explains the line item requirements for each building type table within the section entitled "Building siting."

a. **Build-to zone coverage.** The minimum percentage of building wall or façade along the street for each street is designated on each building type table.

1. **Measurement.** The width of the principal structures (as measured within the build-to zone along the frontage edge) is divided by the length of the frontage parallel to the property line following the street.

2. **Courtyards.** Courtyards, per section 27-621, terms defined, located along the façade in the build-to zone count towards the minimum coverage. Refer to street types for limitations of courtyards along some frontages.

b. **Build-to zone.**

1. **Defined.** The build-to zone is the area on the lot where a certain percentage of the front building façade must be located, measured as a minimum and maximum yard (setback) range from the edge of the right-of-way.

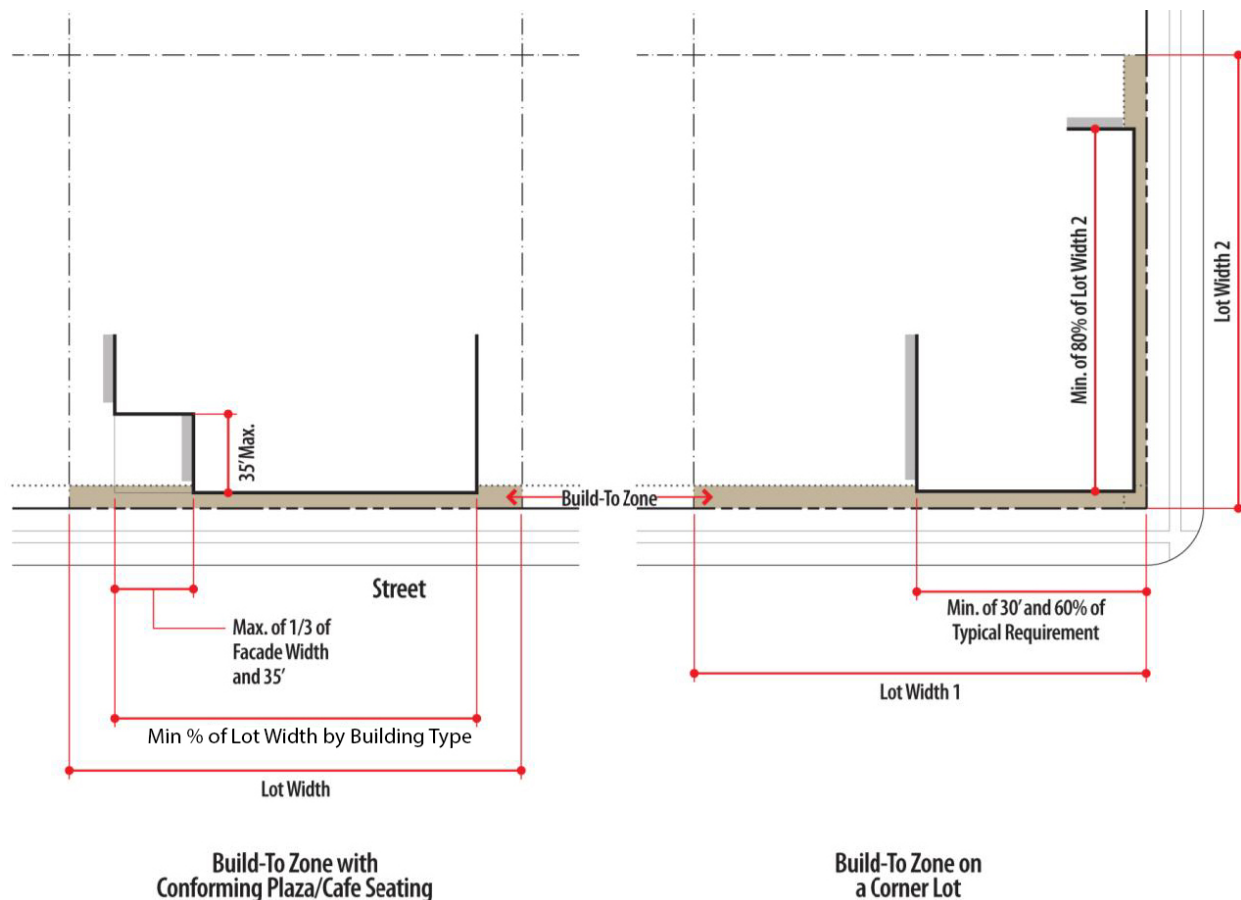
2. Measurement.

a. The percent of building façade in build-to zone specifies the amount of the front building façade that must be located in the build-to zone, based on the width of the street-facing building façade divided by the width of the lot. The build-to zone is measured from the edge of the street frontage area onto the site. The lot width shall exclude any portions of the lot used for required transitions, provided new streets, or provided open space.

b. When a lot contains multiple buildings, the build-to zone requirements are measured as the sum of all buildings. There are no build-to zone requirements when a building is located behind another building that conforms to build-to zone requirements.

27-107D Building Types.

Explanation of specific building type requirements.

CITY COUNCIL DRAFT**Figure 27-107D-1** Build-to zone with allowed plaza (left) and on corner lot (right)

3. **Open Spaces.** Outdoor open space, plazas, and outdoor dining areas are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:
 - a. The area does not exceed one-third the length of the building face or 35 feet, whichever is less; and
 - b. The area is no more than 35 feet in depth (refer to figure 27-107D-1).
- c. **Corner Lots.** On corner lots, minimum requirements governing the percent of building façade that must be located in the build-to zone may be reduced by 60 percent along one of the frontages, at the property owner's option, provided that a building façade must be placed in the build-to zone for the first 30 feet along each street extending from the corner (refer to figure 27-107D-1).
 1. **Encroachments.** Awnings and building mounted signage may extend beyond the build-to zone into the frontage area, but may

27-107D Building Types.

Explanation of specific building type requirements.

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not extend into the street right-of-way.

2. **Porches, arcades, galleries.**

Porches, arcades, and galleries may be included on the building façade design, utilizing the range of depth permitted by the build-to zone. If located outside the building coverage requirement, the depth of the arcade or gallery may exceed the build-to zone.

(2) **Floor-to-floor height.** The following explains the line item requirements for each building type table within the section entitled "Floor-to-floor height."

a. Overall permitted building heights are designated by district in stories. Refer to section 27-107B(b) through (e).

b. **Ground story, minimum and maximum height.** (Refer to figure 27-107D-2, measuring story height). Each building type provides a permitted range of height in feet for the ground story of the building.

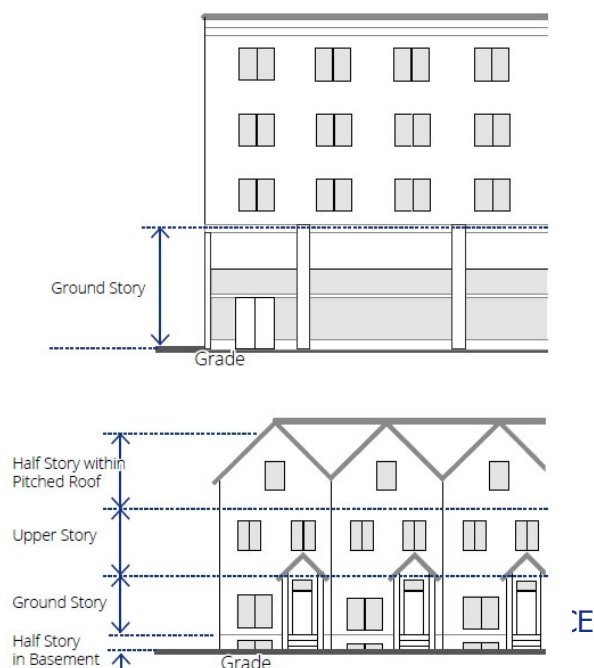


Figure 27-107D-2 Measuring Story Height

1. **Taller spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type are not permitted on primary street façades. These spaces are unlimited on interior lot and other street façades.

c. **Ground story elevation.** The allowable ground story elevation for each building type is defined, establishing whether or not a visible basement is permitted.

1. **Visible basements.** Visible basements, permitted by entrance type, are optional. The visible basement must not exceed one-half the height of the tallest story.

(3) **Uses within building.** The following explains the line item requirements for each building type table within the section entitled "Uses within building." Refer to section 27-107B(f) uses for uses permitted within each DV district. The requirements in this section of the building type tables may limit those uses within a specific building type.

a. **Ground and upper story.** The uses or category of uses which may occupy the ground and/or upper story of a building.

b. **Parking within building.** The area(s) of a building in which parking is permitted within the structure.

c. **Required occupied space.** The required depth of occupied space from the noted façade(s). Refer to

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27-107D Building Types.

Explanation of specific building type requirements.

section 27-621, terms defined, for the definition of occupied space.

(4) **Street façade design requirements.**

The following explains the line item requirements for each building type within the section entitled "street façade requirements".

These requirements apply only to façades facing public or private streets and façades facing main parking lots where visitors or customers park.

- a. **Minimum fenestration.** (refer to figure 27-107D-4, measuring fenestration, per façade). Fenestration shall be measured as the percentage of the total façade area of each story dedicated to glazing. The following articulates the minimum amount of ground story transparent glass required on all façades facing streets.

1. **Measurement.** Ground story fenestration, when defined separately from the overall minimum fenestration, shall be measured as the percentage of the total façade area dedicated to glazing between two feet and ten feet above average grade at the base of the front façade. Refer to figure 27-107D-3, measuring ground story fenestration.

2. **Transparent.** Transparent means any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance. Glazed elements must be clear and non-reflective and not be

painted or tinted, except that low-emission (Low-E) glass coatings are permitted.

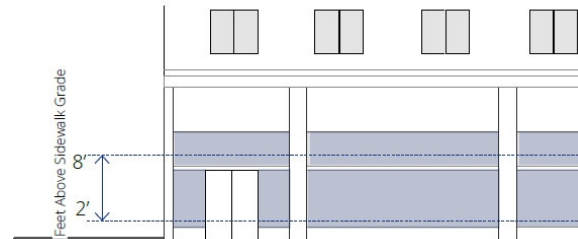


Figure 27-107D-3 Measuring Ground Story Fenestration



Figure 27-107D-4 Measuring Fenestration per Façade

3. **Other stories.** A general minimum fenestration requirement applies to all other stories visible from any street. The fenestration is measured from top of the finished floor to the top of the finished floor above. When there is no floor above, upper-story fenestration is measured from the top of the finished floor to the top of the wall plate.
4. **Arcades, galleries, courtyards.** Ground story

Division 6. Dunwoody Village Districts

27-107D Building Types.

Explanation of specific building type requirements.

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windows shall be located on the interior façade of any arcade or gallery. Ground story windows shall continue around a minimum of 60 percent of courtyard façades.

b. Blank wall area.

1. Blank walls are areas on the exterior façade of a building that do not include a substantial material change; windows or doors; columns, pilasters or other articulation greater than 12 inches in depth. Blank wall limits are established in 27-107D(e) through 27-107D(h).
2. Blank wall area regulations apply in both a vertical and horizontal direction.

c. **Entry area.** Size requirements and recommended types of entrance areas per building type.

d. **Required number of street entrances.** The minimum number of and maximum spacing between entrances on the ground floor building façade with street frontage. Street entrances for all non-residential uses shall remain unlocked during business hours. Entrances located on corners may satisfy the requirement of both adjacent streets.

e. **Vertical façade divisions.** The use of a vertically oriented expression line or form to divide the façade into vertical divisions at increments no greater than the dimension shown, as measured along the base of the

façade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of 1.5 inch depth. Refer to section 27-621, terms defined, for the definition of expression line.

(5) Parking structures fronting a street.

The following applies to parking structures fronting a public street, in addition to the requirements of 27-107C(c).

a. **Primary streets.** Parking structures, whether accessory or principal use, shall not front a primary street, unless otherwise approved with special land use permit per article V, division 3.

b. Parking structure design requirements.

1. **Blank wall limitations.** On any street façade, no rectangular area greater than 30 percent of any story's façade, as measured from floor to floor, and no horizontal segment of a story's façade greater than 15 feet in width may be solid, blank wall.

2. **Pedestrian entry.** A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the entry is enclosed, 65 percent of the entry must be transparent glass.

3. **Screening.** All openings of any parking deck must be fully screened from view from any residential dwelling or adjacent

Division 6. Dunwoody Village Districts**27-107D Building Types.**

Explanation of specific building type requirements.

CITY COUNCIL DRAFT

public or private streets so that cars, sloped ramps, and interior deck lighting are not visible.

Division 6. Dunwoody Village Districts
27-107E Open Space Types.
 Intent.

CITY COUNCIL DRAFT

27-107E Open Space Types.

(a) **Intent.**

To provide open space as an amenity that promotes physical and environmental health within the community and to provide access to a variety of active and passive open space types.

(b) **Applicability.**

These standards apply to open space required by 27-107B.

(1) **Existing open space.** At the discretion of the city, existing open space on the site may be used to meet the minimum requirement; however, the existing open space shall conform to one of the types defined.

(2) **Historic preservation incentive.** When buildings built before 1930 are incorporated into a development and when no changes are made to their exterior (other than paint color), an area equal to three times the building footprint is may be used to meet the minimum requirement.

(3) **Fee in-lieu.** Open space requirements of this section must be met by open space provided on the development site, unless off-site open space or a fee in lieu of open space provision is approved in accordance with the special administrative permit process.

(c) **General requirements.**

All open space shall meet the following:

(1) **Open space types.** All open space provided shall comply with one of the open space types defined by subsections (e) through (i).

(2) **Location.** Open space must be provided in the approximate location required on figure 27-107B-1, regulating map, when applicable.

(3) **Access.** All open space types shall provide public access from a pedestrian route associated with a vehicular right-of-way and/or adjacent building entrances/exits.

(4) **Fencing.** Open space types may incorporate fencing, provided that the following requirements are met.

a. **Height.** Fencing shall be a maximum height of 48 inches, unless approved by the community development director for such circumstances as use around athletic facilities.

b. **Level of opacity.** Fence opacity shall be no greater than 60 percent.

c. **Type.** Chain-link fencing is not permitted along any street frontage, with the exception of dedicated athletic facility fencing approved by the community development director.

d. **Spacing of openings.** Openings or gates shall be provided on every street face at a minimum of one per every 200 feet.

(5) **Open water body.** All open water bodies, such as lakes, ponds, pools, creeks, and streams within an open space type shall be located at least 20 feet from a property line to allow for pedestrian and bicycle access as well as a landscape area surrounding the water body.

(6) **Parking requirements.** Parking shall not be required for any open space type,

Division 6. Dunwoody Village Districts
27-107E Open Space Types.
 General requirements.

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unless otherwise determined by the community development director.

- (7) **Continuity.** New open space shall connect to abutting or proximate existing or planned trail rights-of-way.

(8) **Measuring size.**

- a. **Size.** The size of the open space shall be is measured to include all landscape and paving areas associated directly with the open space.
- b. **Minimum dimension.** The minimum dimension shall be the minimum length or width of the open space, as measured along the longest two straight lines intersecting at a right angle which define the maximum length and width of the lot. Refer to figure 27-107E-1, measuring minimum dimensions.

percentage of the open space perimeter, as measured along the outer edge of the space, shall be located directly adjacent to a primary or secondary street. This requirement provides access and visibility to the open space.

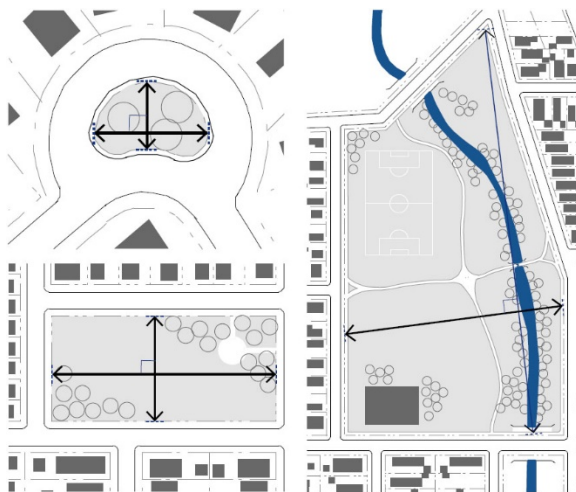


Figure 27-107E-1 Measuring Minimum Dimensions

- (9) **Minimum percentage of street frontage required.** A minimum

Division 6. Dunwoody Village Districts
27-107E Open Space Types.
 Stormwater in open space types.

CITY COUNCIL DRAFT

(10) **Improvements.** As noted in the specific requirements for each open space type (subsections (e) through (i)), the following types of site improvements and structures may be permitted on an open space.

a. **Fully enclosed structures permitted.** Fully enclosed structures may include such uses as small cafes, kiosks, community centers, and restrooms.

1. **Maximum area.** For some civic open space types, fully enclosed structures are permitted, but limited to a maximum building coverage as a percentage of the open space area.

2. **Semi-enclosed structures.** Open-air structures, such as gazebos, are permitted in all open space types.

b. **Maximum impervious and semi-pervious surface permitted.** The amounts of impervious and semi-pervious coverage are provided separately for each open space type (subsections (e) through (i)) to allow an additional amount of semi-pervious surface, such as permeable paving, above the impervious surfaces permitted, including, but not limited to, sidewalks, paths, and structures as permitted.

c. **Maximum percentage of open water body.** The maximum amount of area within an open space type that may be covered by an open water body, including, but not limited to, ponds, lakes, and pools.

(d) **Stormwater in open space types.**

Stormwater management practices, such as normally dry storage and retention facilities or ponds maintaining water at all times, may be integrated into open space types and utilized to meet stormwater requirements for surrounding parcels.

(1) **Stormwater features.** Stormwater features in open space may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy.

(2) **Walls.** Retaining walls over 30 inches in height are not permitted in any open space accommodating stormwater.

(3) **Qualified professional.** A qualified design professional shall be utilized to incorporate the stormwater features into the design of the open spaces.

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27-107E Open Space Types.
 Plaza.

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(e) **Plaza.**

The intent of the plaza is to provide a formal open space type of medium scale to serve as a gathering place for civic, social, and commercial purposes. The plaza may contain a greater amount of impervious coverage than any other open space type. Special features, such as fountains and public art installations, are encouraged.

PLAZA CRITERIA	
Dimensions	
Minimum Size	0.10 acres
Minimum Dimension	60 feet
Minimum Percentage of Street Frontage Required	25%
Improvements	
Fully Enclosed Structures	Permitted; may cover maximum 5% of plaza area
Maximum Impervious Surface + Semi-Pervious Surface	40% + 20%
Maximum Percentage of Open Water & Stormwater Features	30%



(f) **Green.**

The intent of the green is to provide informal, medium scale active or passive recreation for building occupants and visitors within walking distance, mainly fronted by streets.

GREEN CRITERIA	
Dimensions	
Minimum Size	0.10 acres
Minimum Dimension	45 feet
Minimum Percentage of Street Frontage Required	25%
Improvements	
Fully Enclosed Structures	Not Permitted
Maximum Impervious Surface + Semi-Pervious Surface	20% + 15%
Maximum Percentage of Open Water & Stormwater Features	30%

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27-107E Open Space Types.
Commons.

CITY COUNCIL DRAFT



(g) Commons.

The intent of the commons is to provide an informal, small to medium scale space for active or passive recreation for a limited area. Commons are typically internal to a block and tend to serve adjacent building occupants.

COMMONS CRITERIA	
Dimensions	
Minimum Size	0.45 acres
Minimum Dimension	45 feet
Minimum Percentage of Street Frontage Required	0%; requires a minimum of two access points with a total depth of 100 feet maximum (minimum 30 feet wide)
Improvements	
Fully Enclosed Structures	Permitted; may cover maximum 5% of commons area
Maximum Impervious Surface + Semi-Pervious Surface	30% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%



(h) Park.

The intent of the park is to provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees.

PARK CRITERIA	
Dimensions	
Minimum Size	0.75 acres
Minimum Dimension	30 feet; minimum average width of 80 feet
Minimum Percentage of Street Frontage Required	30% for parks less than 5 acres; 20% for parks 5 or more acres in size
Improvements	
Fully Enclosed Structures	Permitted in parks 2 acres or larger in size
Maximum Impervious Surface + Semi-Pervious Surface	20% + 10%
Maximum Percentage of Open Water & Stormwater Features	30%

Division 6. Dunwoody Village Districts
27-107E Open Space Types.
 Rooftop terrace.

CITY COUNCIL DRAFT



(i) **Rooftop terrace.**

The intent of the rooftop terrace is to provide a formal or informal, small to medium scale space for passive or active recreation or gatherings. Rooftop terraces tend to serve adjacent building occupants but must be open to the general public to count toward the open space requirement.

ROOFTOP TERRACE CRITERIA	
Dimensions	
Minimum Size	0.10 acres
Minimum Dimension	45 feet
Minimum Percentage of Street Frontage Required	0% but must have signage that is clearly visible from the street indicating how to access the terrace
Minimum Percentage of Accessible Terrace Area	25% of terrace area must be designed to be accessible; all remaining areas must be planted
Improvements	
Fully Enclosed Structures	Permitted; may cover maximum 5% of terrace area
Maximum Impervious Surface + Semi-Pervious Surface	No maximum
Maximum Percentage of Open Water & Stormwater Features	30%

**Peachtree Shops of Dunwoody, LLC
SODOP II, LLC
RZ21-01
Text Amendments to Dunwoody Village Overlay District/Regulating Map**

Constitutional and Legal Objections

The Dunwoody Village Overlay District and Master Plan, facially and as applied to the Subject Property, is unconstitutional in that it would destroy the Owners' property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I 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.

The Dunwoody Village Overlay District and Master Plan is unconstitutional, illegal, null and void, constituting a taking of the Owners' Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests. Approval would constitute an arbitrary and capricious act by the City of Dunwoody without any rational basis therefore constituting an abuse of

discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I 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.

The approval by the City of Dunwoody of the Dunwoody Village Overlay District and Master Plan would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owners' and owners of the 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 of the United States.

The approval of the Dunwoody Overlay District and Master Plan would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

The approval of the Dunwoody Overlay District and Master Plan would be invalid inasmuch as the Zoning Ordinance of the City of Dunwoody is unlawful, null and void because its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

The Zoning Ordinance of the City of Dunwoody lacks adequate standards for the City Council to exercise its power to review and vote on this Application. The standards are not sufficient to contain the discretion of the Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section III, Paragraph I and Article I, Paragraphs I and II of the Constitution of State of Georgia.

The owner hereby raises the defenses of standing, failure to exhaust administrative remedies and waiver of the right to appeal due to the failure to raise constitutional objections.

STATEMENT OF OPPOSITION and
IMPACT ANALYSIS
and
Other Material in Opposition of
RZ-21-01

Amendment To Amend Chapter 27 of the City of Dunwoody Village Zoning Ordinance to Rezone from
C-1conditional and Dunwoody Village Overlay District to the DV-4 (Village Center) District, 5500
Chamblee Dunwoody Rd. and 1244 Dunwoody Village Parkway:

Without complying with the Planning Commission's Previous Recommendation to preserve the Buffer
at the shared property line with the adjacent residential properties.

Filed on behalf of:

Dunwoody Homeowner's Association, Inc.,

John and Joan Weiss, Members/Owners
5116 Hidden Branches Circle

Craig Wolpert, Member/Owners
5084 Hidden Branches Circle

Felicia Maltese Voloschin Member/Owner
1205 Hidden Ridge Lane

Scott and Aimee Doyne Members/Owners
5065 Trailridge Way

Carrie Hancock Member/Owner
1206 Hidden Ridge Lane

Bob and Jane Leavey Members/Owners
5108 Hidden Branches Circle

Sharon Frank Member/Owner
5049 Trailridge Way

Sarah McBride Member/Owner
5148 Hidden Branches Circle

(collectively, hereinafter described as "**Opponents**")

Submitted for Opponents by:

Brian E. Daughdrill

Giacoma, Roberts & Daughdrill, LLC
945 East Paces Ferry Road, Suite 2750
Atlanta, Georgia 30326
(404) 924-2854

I. INTRODUCTION

This Statement of Opposition and Impact Analysis is submitted in **OPPOSITION** to the Rezoning Application No. Z-21-01 to rezone the Peachtree Shops of Dunwoody, LLC's Property located at 5500 Chamblee Dunwoody Road and 1244 Dunwoody Village Parkway from C-1 *conditional* to the newly adopted Dunwoody Village Overlay District *without* preserving the existing buffer lying between the Property and the adjacent residential property along Hidden Branches Circle and Trail Ridge Way. *Unless* the rezoning complies with the Planning Commission's previous recommendation to maintain Buffer Option 3 (i.e. preserve the original undisturbed buffer imposed when the Subject Property was developed), the grant of this Application will substantially and significantly impact the adjacent residential neighbors who have purchased and owned property otherwise adjacent to the shopping center premised upon such buffer.

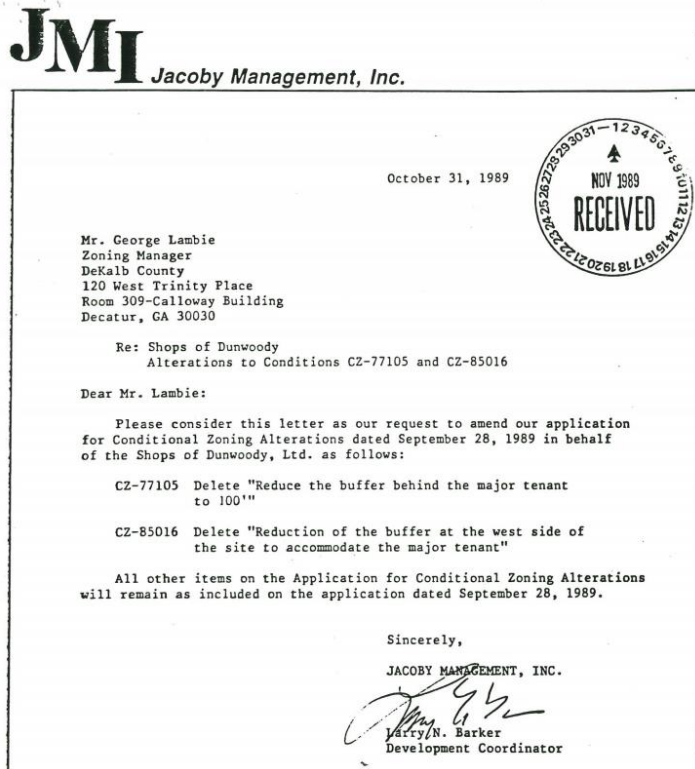
Opponents incorporate by reference all previous material filed in opposition to the Rezoning Application creating the Dunwoody Village Overlay District and revised map as was heard and decided by the City Council in 2020. It and all of the statements, exhibits and other material filed or previously referenced are incorporated herein are for inclusion in the Record of this Matter. The Opponents want to be clear – it is not the concept of a rezoning to bring this property to bring it within the Dunwoody Village Overlay District about which they object, it is the wildly disparate treatment of the buffer for the Subject Property in comparison to the property lying north and south of the Subject Property for whom such buffers were preserved that is objectionable. Critically, although presented as a C-1 zoned property to be rezoned, there is no credible dispute that it is a *conditionally* zoned property – the 1977 Application *expressly requested rezoning conditioned on the imposition buffer*. In disregard of this and in denial of their predecessors' in title's actions, the current owner specifically seeks to eliminate what has historically, for over 40 years, been recognized as an undisturbed buffer between the residential properties to the west and the C-1 (conditional) Subject Property.

The existing undisturbed, mature wooded buffers presently shield the Opponents from the existing commercial development and are even more critical, now where the rezoning contemplates *re*-development of that commercial area is at a significantly *higher* density. These buffers were negotiated and agreed upon when the Subject Property was developed *and memorialized* both in private written agreements with the developer, a copy of which is attached hereto as **"Exhibit A"** and incorporated into the rezoning application filed by the current Applicant's predecessor in title. *See* **"Exhibit B"**.

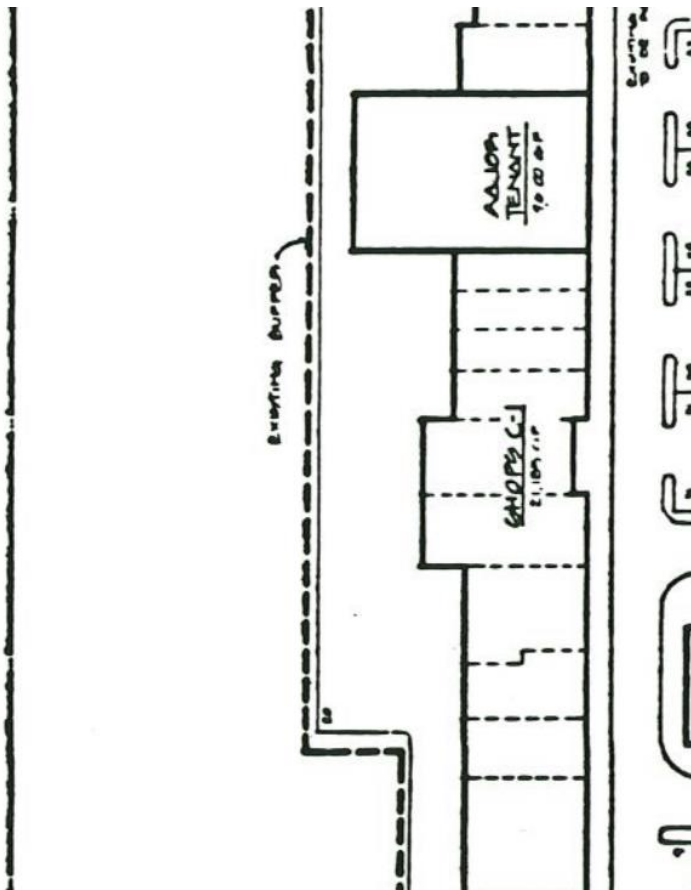
HISTORY

The Subject Property was purportedly rezoned from R-150 to C-1 *conditional* in 1977 – CZ77105. See **“Exhibit C”**. Although the ordinance rezoning the Subject Property has yet to be located by DeKalb County, there is no question what is in DeKalb County’s records pertaining to subsequent rezonings connected to adding property to the original development. In 1989, Jacoby Management, Inc. applied to *alter conditions of zoning applied to property located at the westerly intersection of Chamblee Dunwoody Road and Nandina*. Attached to that 1989 application is a copy of the original 1977 rezoning application, which expressly includes a request to condition the rezoning on the imposition of a “150’ to 200’ Buffer adjoining Hidden Branches per sit plan.” 1989 Application, attached hereto as *Ex. B*. On January 9, 1990, the DeKalb Board of Commissioners considered the 1989 application of Jacoby Management, Inc. There the Property’s owner (current Applicant’s predecessor in title) *acknowledged* in its application that the existing zoning was *conditional*. See Jan. 9, 1990 Minutes, **“Exhibit D”**. Similarly, the December 12, 1989 Minutes for the application reflect, “*The three separate zoning applications [CZ-77105, CZ-85016, and CZ-88036] limited development by site plans, buffers, points of access, and other conditions. The request is to alter the site plan and other conditions.*” See Dec. 12, 1989 Minutes attached as **“Exhibit E”**; see also Nov. 28, 1989 Minutes listing the matter as “Item 12” attached hereto as **“Exhibit F”**. Critically, attached to the Nov. 28, 1989 Minutes is a letter from Jacoby Management, Inc. (then-owner), dated October 31, 1989 that *expressly admits* the existence of a “buffer” *in excess of 100’* on the western margin of the Property, reciting:

Statement of Opposition and Impact Analysis with Legal and Constitutional Objections re: RZ-21-01
 August 10, 2021
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See Ex. F. Attached to the letter is a site plan showing the *existing* limits of the buffer adjacent to the edge of pavement. See below:



Each of these items is marked “#12” in the bottom corner of the exhibit. Similarly attached are the August 23, 1977 Minutes on CZ-77105, the rezoning that purportedly¹ converted this Property from R-150 to C-1.

Those Minutes reflect that the Property was rezoned as C-1 *conditional*:

¹ The Applicant fails to apprehend – if the *conditions* cannot be proven because of the absence of the original ordinance, the *rezoning* itself *similarly cannot be proven*. Where is the evidence it was rezoned from R-150 to C-1 anything?

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 August 10, 2021
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Recommendations:

Planning Department: Approval as conditioned.

Planning Commission: Approval as conditioned.

Mr. Lowell Wammock, 3476 Paces Place, N.W. Atlanta, stated they have all the necessary signatures and everyone is in total agreement.

Mr. Herbert Sprague, President of the Dunwoody Homeowners Association, stated that Mr. Wammock has shown great concern for the needs and desires of the Homeowners Association and they support his request.

MOTION was made by Commissioner Manning, seconded by Commissioner Lovettan, and unanimously passed, to approve the application as conditioned.

#12

095

There again, among those exhibits is the *Application* that Mr. Lowell Wammock, the original developer, submitted to initiate the 1977 rezoning – CZ-77105, also attached to the November 1989 Agenda. That application expressly requests that the rezoning be conditioned upon:

☐ Minimum buffer requirements of district requested

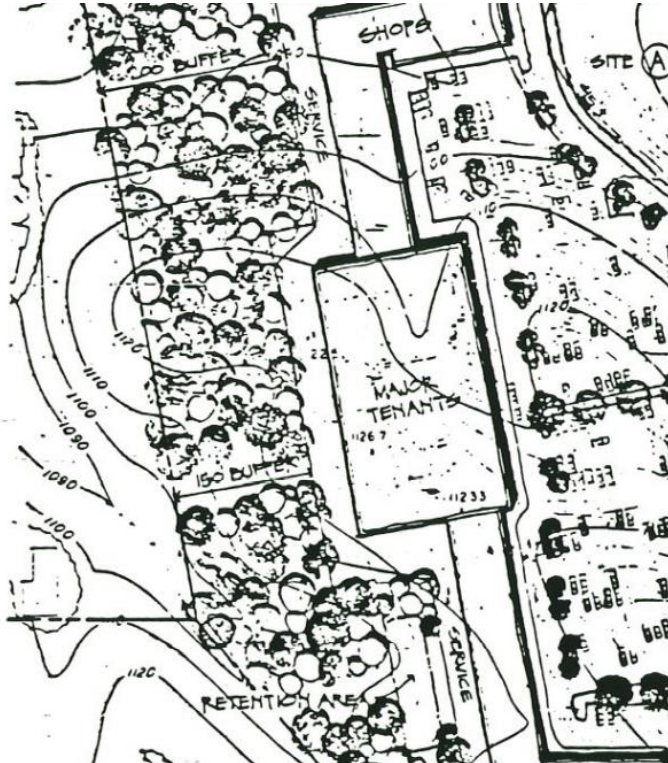
☒ Variation of buffer requirements as described below:

#12
150' to 200' Buffer adjoining Hidden Branches
per site plan. 10' buffer variance at Southern-
most drive per site plan

096

Statement of Opposition and Impact Analysis with Legal and Constitutional Objections re: RZ-21-01
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Attached, at Page 9 of *Ex. F*, is the site plan *prepared for Lowell Wammock*, similarly marked with “#12” in the corner, itself expressly depicting the 150-200’ buffer:



Whether DeKalb County has, during the pandemic, adduced a copy of the 1977 *ordinance*, there is no question what was voted on in 1977 was requested, *by the Applicant*, to be C-1 *conditional*, conditioned on an attached site plan depicting a 150-200’ buffer.

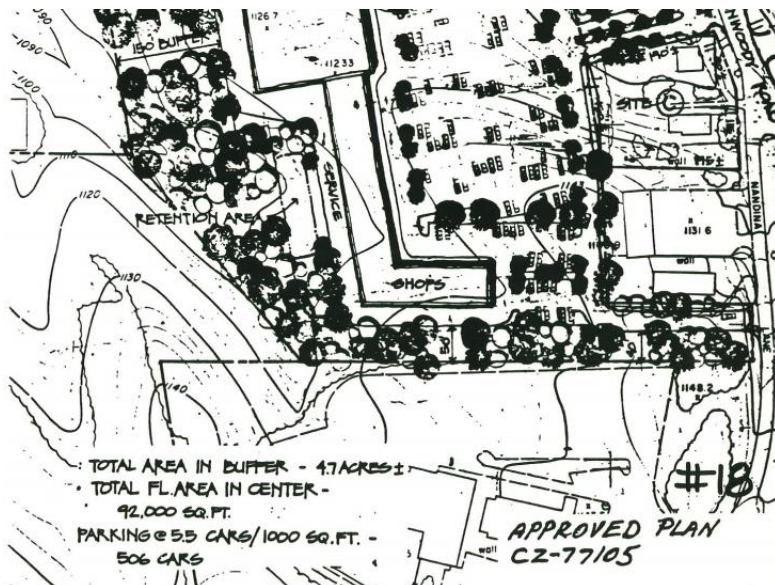
Next in the package is the January 22, 1985 Zoning Minutes for CZ-85016, which added property to that property originally rezoned in 1977 similarly asking for rezoning from R-150 to C-1 *conditional*. The 1985 Minutes are attached here as **“Exhibit G”**.

Attached to that set of Minutes, Page 3, is a list of conditions including, specifically, condition No. 8:

- 8. A one hundred and fifty foot "undisturbed buffer" will be maintained across the rear of the subject property adjacent to neighboring single family residential development. Said "undisturbed buffer" shall not prohibit the addition of plantings which may be added to the buffer property to reduce visual impact on adjacent homeowners, provided that no damage is done to existing foliage.**

It is without question that County records show that this part of the Subject Property was rezoned conditioned on the buffer. The Minutes of the February 23, 1988 Zoning meeting for CZ-88036 similarly seek to rezone a third property from R-150 to C-1 *conditional*. The site plan attached to those Minutes similarly depicts the "undisturbed buffer" at the western margin of the Property. The February 23, 1988 Minutes are attached hereto as **"Exhibit H"**.

In 1991, the Property was again the subject of rezoning, appearing on the March 26, 1991 Agenda as Item No. 18, to "approve the alteration of conditions based on the attached site plan." See **"Exhibit I"**. Attached to that Agenda, similarly marked "#18" in the corner, is a document which recites, "Approved Plan CZ-77105 and depicts 4.7 acres as the "Total area in Buffer" on the Plan prepared by the Applicant.



The fact that the matter being presented is a rezoning from C-1 to Dunwoody Village Overlay District alone is grounds to defer this Application as the advertising fails to comply with either the Zoning Procedures Law or the City of Dunwoody's Zoning Ordinance.

But it is disingenuous to suggest that the Property is not conditioned on a site plan depicting a 150-200' buffer and there are multiple contemporaneous and historical filings by the present Applicant's predecessor in title that the Property's zoning was conditioned on a 150-200 foot undisturbed buffer. To treat the residents adjacent to the Subject Property in a manner differently than those lying immediately north and south is to violate their equal protection rights and to effect an inverse condemnation of their property in violation of the Georgia and U.S. Constitution as more particularly described below.

While there is no question that the private written agreements have since expired (as further discussed below), the Applicant's predecessors each acknowledged, in writing, that their property was rezoned conditioned upon the imposition of the buffer presently shown on the maps. Multiple subsequent rezoning applications filed on this Property each have recognized the *conditional* nature of the rezoning and many of those subsequent rezoning include as part of the material considered an "Approved Site Plan" from the 1977 Rezoning.

This current "rezoning" is being presented as the City's "settlement" in a litigated matter, Civil Action File No. 20CV8060 filed by Applicant against the City while the Overlay District was being contemplated *without* joining necessary and indispensable parties including the residents who share a common property line against which the City is contemplating a **nearly eighty percent (80%) reduction in the existing, mature undisturbed buffer** contemplated by this Rezoning. Thus, Opponents have an interest in the Subject Property which the City is not privileged to take absent the payment of just compensation.

The Planning Commission, in reviewing the previous Rezoning Application proposal, in the last, actual "normal" and meaningful public hearing process, heard and understood the concerns of nearly a hundred residents, in some of the most heavily attended hearings, who attended to make their concerns known. Based on those concerns, the Planning Commission previously recommended what was described, as "**Buffer Option 3.**" This Option *preserved* the buffer depicted in multiple rezoning applications between 1977 and the present including applications which themselves represented the conditional nature of the 1977 rezoning.

Since the Planning Commission deferred the last meeting regarding the rezoning application, the Opponents, defined herein, the Opponents have served numerous Open Record Act requests to multiple departments in DeKalb County, have reached out to the Commissioner for the district and enlisted his assistance.

They have reached out to the City about the City utilizing discovery devices available to it within the existing litigation to aide in locating the original 1977 rezoning ordinance. (Ordinances are *required*, by state law, to be maintained in the records of the County). On November 25, 2020, the Applicants filed a Complaint for Declaratory Judgment in the Superior Court of DeKalb County, Civil Action No. 20CV8060 (the “Litigation”). The Applicants therein sought a declaration from the Court that the 150-200 foot buffers were not a condition of the original 1977 rezoning (despite the admissions of their predecessors in title), such that only a 30 foot buffer applies. In the absence of their interests being represented in this suit, some of the Opponents now have been forced to file a Motion to Intervene in said Litigation to protect their interests in preserving the existing 150-200 foot buffer that was a *condition* of the 1977 rezoning and, should the rezoning be granted without addressing the concerns raised herein, will have no option but to challenge such decision as violative of their constitutionally-protected property rights.

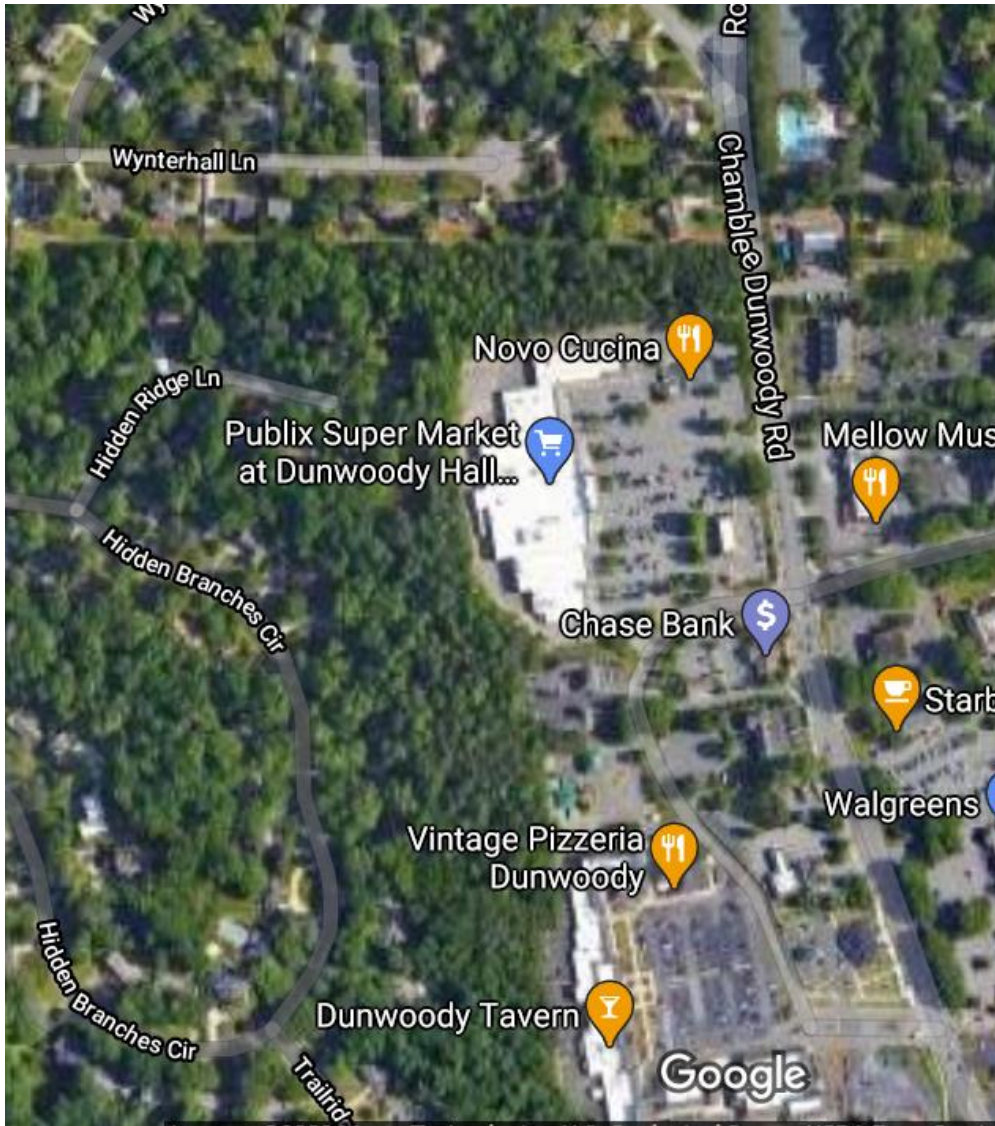
The Opponents have substantial interests via their ownership of real property lying immediately adjacent to Dunwoody Village (the “Subject Property”) and the historical zoning maintaining, repeatedly, the existing buffers, for which the City is presently contemplating an 80% reduction. The proposed amendment suggests that the various owners of Dunwoody Village to re-develop the Subject Property, at a higher density would, without permission or right, thereafter be authorized by the City to destroy buffers they contractually and legally agreed to preserve – buffers that the Planning Commission recommended protecting and buffers that were a condition of the original 1977 zoning to permit the site to be developed. Currently, the Opponents enjoy a mature, wooded undisturbed buffer imposed on the commercial users,

Statement of Opposition and Impact Analysis with Legal and Constitutional Objections re: RZ-21-01

August 10, 2021

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as zoning conditions and via private agreements, over the past 40 years.



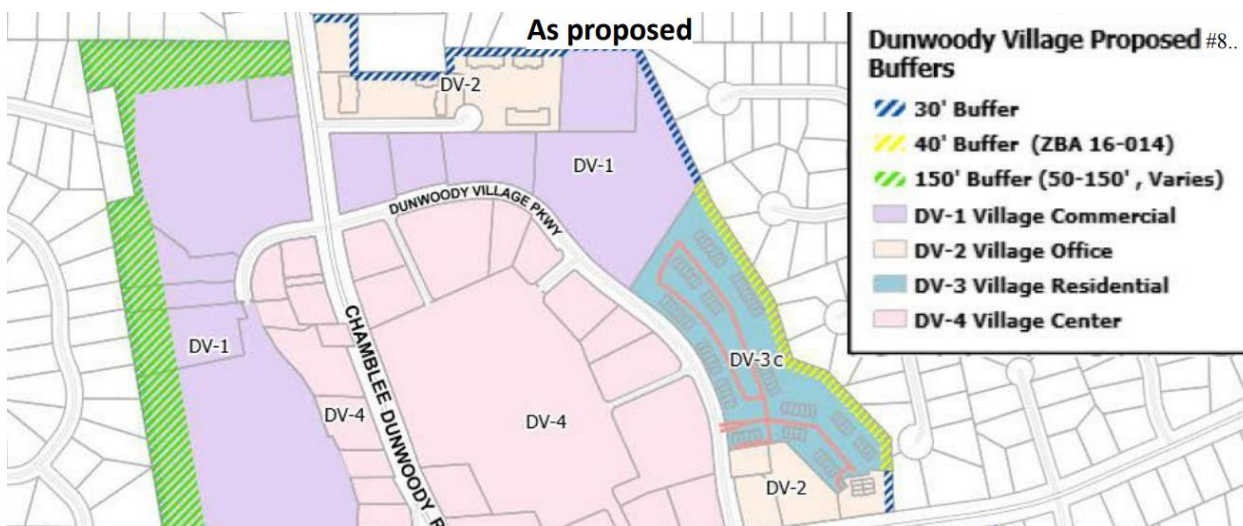
The Opponents include:

Dunwoody Homeowners' Association, Inc., a member organization that has, for more than 50-years, covered and overseen development in the area East of GA-400, North of I-285, West of Peachtree Industrial Blvd, and North to the Chattahoochee or Gwinnett County with a primary goal of protecting residential neighborhoods. In 2008 the DeKalb portion of that coverage area was used for the border lines within DeKalb when the City of Dunwoody was approved by 85% of the voters in the affected locality. DHA presently has more than 800 individual members, including the Members/Owners listed above. It is organized to advance the cause of and to protect those neighborhoods from development and re-development which is inconsistent with the established neighborhoods within the City.

The Individual Opponents are all homeowners owning homes located immediately or closely adjacent to these buffers, many of whom have been residents for thirty-plus years.

These Individual Opponents each *joined* DHA specifically to aid and further DHA's goals of preserving the buffers to protect the integrity and privacy of their back yards which back directly up to the buffers that were specifically negotiated for these properties. Bob Fiscella, one of the top 15 individual agents with Keller Williams, and current President of DHA, opined that depriving these homes of the current buffer could devalue the specific homes by as much as ten percent (10%) and that, additionally, the homes would spend significantly more time on the market compared to other residents not so impacted. The Individual Opponents' ownership and that adverse impact grants them standing under the two-part "substantial interest/specially aggrieved" test for same. Their membership in the above organization, itself devoted to advancing the interest of its members in protecting residential neighborhoods gives the Associations standing under Georgia's test for same.

These neighborhoods each were specifically protected by DeKalb County when it approved the rezonings for the land making up the Subject Properties.



II. IMPACT ANALYSIS

A. The Proposed Rezoning Fails to Satisfy the Dunwoody Zoning Ordinance Approval Criteria.

Pursuant to the Dunwoody Zoning Ordinance § 27-335(b) mandates, in considering:

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

Clearly, the uses contemplated by both the existing zoning and that which is contemplated by the proposed rezoning and the neighboring property owners are dissimilar. That dissimilarity was significant enough that when these properties originally were granted their zoning, DeKalb County imposed significant undisturbed buffers to protect the adjacent neighborhoods. Those buffers were described, referenced and maintained over the next 15 years in *numerous* subsequent rezoning applications and expressly admitted and acknowledged by Applicant's predecessor in title. Their current owners bought with an investment backed expectation that their homes would continue to be protected by the buffers their predecessors in title had fought for and secured. While it is understood that there are opportunities for the owners of the Subject Property to re-develop their property at higher densities to make the properties more valuable and more profitable, the City cannot, for the benefit of one property owner, significantly and adversely affect another – doing so is the definition of an unconstitutional taking and an act of inverse condemnation. If the City believes it's wise to redevelop the Village at a higher density it owes, at a minimum, *at least the same protection* to these neighborhoods as they enjoyed opposite *lower density* development – *not less*. Unless the City adopts the Planning Commission's original Buffer Option 3 it will have failed this requirement but the City cannot say *increasing* the density while *reducing* the buffer is "suitable" in light of the existing adjacent uses.

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

The City does not owe the owners of the Subject Property the right or opportunity to secure the most money possible or to procure even a higher rate of return. The properties are presently developed, for commercial use and those uses have thrived over the past 40-years in a symbiotic relationship where the higher density property shielded the lower density property with a mature, undisturbed buffer. This is no abandoned or decrepit shopping center, these commercial properties are actively operating and generating a "reasonable economic" return as they presently are configured. Opponents do not begrudge

these owners the opportunity to make more with their property, they simply require them to not do so at the Opponents' expense particularly where, as here, protecting both interests are possible.

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

As evidenced by the statements of the individual opponents and a broker, stripping the existing, mature, wooded buffers away or reducing them substantially to allow development to move closer to the boundaries of the Subject Properties will adversely affect the value of the neighboring homes as well as damage, significantly, their use and enjoyment, privacy, and auditory sanctity of their homes. Thus, it cannot fairly be debated that the proposed Rezoning Application does not satisfy this condition *unless, at a minimum*, the Planning Commission's recommendations are followed with Buffer Option 3 clarified as provided for above.

Given the policies and goals of the existing Comprehensive Plan, this requirement is of critical import. In no less than ten places, the Comprehensive Plan calls for protection and preservation of "Suburban Residential" character areas. For example, under the heading "Preserve Our Neighborhoods," the Comprehensive Plan states: **"Protect properties located on borders of Suburban Residential Neighborhoods Character Area with compatible height, building placement, densities, massing and scale, buffers, tree protection and other associated site development and building regulations."** (2015 Comprehensive Plan at p. 9). The Comprehensive Plan expressly calls for protection of suburban neighborhoods adjoining the Dunwoody Village: **"The periphery of the [Dunwoody Village] character area will include a large transitional area to adequately protect single-family residential and other residential homes in the area."** (*Id.* at p. 18 (emphasis added)).

(4) 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.

As provided for above, there are existing conditions – residential neighborhoods presently shielded and protected from the noise, light and visual intrusion of commercial development. The contemplated rezoning allows densities on that commercial property to be increase significantly and, of critical import *taller buildings*. No "planted" landscaping or "open space" can shield the existing homes from buildings in excess of 55-feet in height located behind a 35' "buffer."

B. If Approved, the Rezoning Application Will Lead to a Violation of the Dunwoody Tree Preservation Ordinance.

The proposed Rezoning also will permit violations of the tree preservation ordinance. Chapter 16, Article II, Division 6 provides for tree preservation. The Rezoning Application proposes to greatly reduce the buffer, thereby allowing development into the existing forested buffer of 150'. The tree ordinance applies "to any activity of real property which requires the issuance of a development permit, substantial building permit, or tree removal permit within the City of Dunwoody." Sec. 16-105(d). The tree ordinance was established to make "the City of Dunwoody a more attractive place to live, provide a healthy environment, and to better maintain control of flooding, noise, glare and soil erosion." Sec. 16-105(a). Among the stated benefits of the tree ordinance is reduction of noise and glare, aesthetics, scenic amenity, and increased property value. Sec. 16-105(c). Importantly, the tree ordinance mandates that "Nothing in these regulations may be construed as allowing the removal of vegetation in a natural, undisturbed buffer required by zoning or land development regulations." Sec. 16-108. Plainly as set forth above, there is an existing, natural, undisturbed buffer required by the original (and all subsequent) rezoning applications.

If the Rezoning Application were approved, the previously undisturbed buffer between the Subject Property and the Opponents' property would meaningfully cease to exist. The owners of the Subject Property would be able to remove all trees within the current buffer except for the last 35 feet, and could with no reason or justification, remove the trees which otherwise could qualify as Open Space, Parks. The City adopted the tree ordinance for this very reason, to protect residential neighborhoods and maintain the existing tree canopy. Approving the Rezoning Application would eliminate a buffer that has been in place for over forty (40) years, opening the door to the removal of a vast number of trees separating the glaringly different zoning districts.

III. CONSTITUTIONAL AND LEGAL OBJECTIONS

The Opponents' property will be directly and adversely affected and harmed by the proposed rezoning. Accordingly, on behalf of the Opponents, it is submitted that the Dunwoody Zoning Ordinance and the mandatory Dunwoody Comprehensive Plan, to the extent it is ignored or interpreted to permit a Rezoning Application which causes a significant detriment to the homeowners adjacent to the Subject Property is unconstitutional as a taking of private property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later

set forth herein. A recommendation or vote of approval in violation of these mandates will constitutes an arbitrary and unreasonable use of the zoning and police powers of the City of Dunwoody because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Opponents. An approval of the Rezoning Application would constitute a taking of the Opponents' private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Failure to adopt Buffer Option 3 as the basis upon which the Rezoning Application is predicated would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Opponents and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Opponents further object to the Rezoning Application on the basis that an equitable servitude has been established on the Subject Property and thus an approval of the Rezoning Application violates the doctrine of equitable servitude. The previous private Agreement and Declaration of Covenants and Restrictions (the "Covenant") between the Developer and DHA, while expired, they bind the Property in Equity. "If a grantor sells his property with restrictions which he intends are for the benefit of his neighbors, the neighbors, as beneficiaries, may enforce the benefitting restrictions." Southeast Toyota Distribs. v. Fellton, 212 Ga. App. 23, 25 (1994); Jones v. Gaddy, 259 Ga. 356, 357 (1989). The owners of the Subject Property took title to the Subject Property with full knowledge of the Covenants and the previous zoning, indeed the Applicant's current attorney was involved in at least some of these rezonings and has actual knowledge of the previous conditions – why else were "Alteration of Conditions" applications being filed instead of *rezoning* applications – development of this Property was *conditioned* upon the buffers that have protected the adjacent neighborhoods. The Opponents took title to their property with knowledge of the buffer and had a reasonable expectation that said Buffer would be maintained. An equitable servitude as been established by way of the Covenant that shall run with Opponents' property and the Subject Property. It is "immaterial in such cases whether the covenant runs with the land or not, the general rule being that it will be enforced according to the intention of the parties." Southeast Toyota Distribs. v. Fellton, 212 Ga. App. 23, 26 (1994).

Finally, Opponents object to the process under which review of this Rezoning Application has been accomplished as a denial of procedural due process and a violation of the Zoning Procedures Law in that the “public hearings” over the past year were not held in accordance with the ZPL nor in compliance with Dunwoody’s own codified procedures, did not afford concerned residents a meaningful opportunity to appear in opposition during the extraordinary times of the Covid-19 pandemic, and did not provide the statutory and ordinance required notice or notice in compliance with such requirements.. There is no substitute for a face-to-face public hearing where voices may be heard *simply by their presence* and where elected officials have to look their constituents in the eye. Being reduced to a postage-stamp “video” image via a Zoom conference wherein all opponents cannot be visually seen simultaneously deprives the residents of a meaningful opportunity to be heard. Upon information and belief, no new procedures were adopted by the City, in compliance with the ZPL and their own procedures, to change the mechanism for holding a public hearing and the entire process is flawed until such hearings can be held.

IV. CONCLUSION

For the foregoing reasons, the Opponents respectfully requests that Dunwoody either adopt Buffer Option 3 (with the clarification above) or deny this Rezoning Application.

Respectfully Submitted,

**GIACOMA ROBERTS
& DAUGHDRILL, LLC**

/S/ BRIAN E. DAUGHDRILL

Brian E. Daughdrill

EXHIBIT A

ORIGINAL
COVENANTS

STATE OF GEORGIA)
COUNTY OF DEKALB)

AGREEMENT AND DECLARATION OF
COVENANTS AND RESTRICTIONS

CLERK OF SUPERIOR COURT

THIS AGREEMENT made this 9th day of August, 1977 by and between
S. LOWELL WAMMOCK, RUSSELL G. HENDERSON and CICERO GARNER, JR.,
DOUGLAS W. MORGAN and CURTIS R. PAGE (hereinafter called the "Developers"),
the DUNWOODY HOMEOWNERS ASSOCIATION, INC. (hereinafter called the
"DHA"), and ROBERT A. LEAVEY and JAMES LIESENDAHL (hereinafter referred to as
"Adjoining Property Owners") with SOLOMAN J. BANKS, MYRON D. WOLF and
PEACHTREE FEDERAL SAVINGS AND LOAN ASSOCIATION joining in the execution of
this Agreement for the purposes hereinafter set forth.

WITNESSETH:

WHEREAS, the Developers are the owners of certain tracts of real property
located in Land Lot 366, 18th District, Dekalb County, Georgia as more particularly
described in Exhibit "A", attached hereto and by reference made a part hereof
(hereinafter called the "Property"); and

WHEREAS, the parties hereto desire that the Property be subject to certain
covenants and restrictions hereinafter set forth in connection with the development
of the Property as a shopping center and other commercial uses permitted by zoning
(the "Shopping Center").

NOW, THEREFORE, in consideration of the promises of this Agreement and the
mutual undertakings by the parties hereto, and other good and valuable consideration,
the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree
as follows:

1. The Property will be developed pursuant to the following architectural
guidelines:

(a) Design--The Shopping Center, identified as Dunwoody West, will
be developed in an architectural design comparable to the style and theme of the
main portion of Dunwoody Village Shopping Center.



3705 112140

Packet page:...

(b) Facade--The entire structure will be faced with building materials which are comparable to or reasonable facsimiles of the building materials used in similar locations of the main portion of Dunwoody Village Shopping Center, except that less expensive materials may be utilized, at the Developers' choice, in portions of the buildings which will not be exposed to either public view or adjacent homes.

(c) Windows--No windows will face the housing to the west of the Shopping Center.

(d) Building Height--The building height of the Shopping Center shall not exceed twenty-five (25) feet from grade level, at the roof peak, except for towers where deemed necessary by the Developers to maintain the proper design proportion.

changed

(e) Roofing--The roofing shall meet the same design and building material requirements set forth in paragraphs 1 (a) and (b) above.

2. In order to protect the Adjoining Property Owners, the Developers agree as hereinafter set forth.

(a) Buffers--Except as provided in paragraph 2 (b), there shall be appropriate undisturbed buffers, as defined in the shopping center plan, Dunwoody West, dated October 4, 1976, and revised February 9, 1977. Said buffers are generally defined as from 150 feet to 200 feet on the west. Solely at the option of DMA and the adjacent homeowners, the buffer property may be: (1) deeded to adjacent homeowners, with covenants providing for the undisturbed character for 20 years; or (2) deeded to DMA with the same covenants; or (3) deeded to DeKalb County, with the same covenants; (4) remain as a part of the shopping center property under the same covenants or (5) leased to DMA with the same covenants. Such election shall be made within ninety (90) days after the rezoning by the DeKalb County Commissioners.

Except as provided in paragraph 2 (b), such buffer property shall remain undisturbed and will not be encroached upon any further than shown on the above-described shopping center plans. The Developers further agree that additional plantings may be desirable or necessary in the buffer property to reduce visual impact on adjacent homeowners.

In the event that this is necessary, ^{13p10} ~~the~~ ^{14p10} ~~will~~ ^{15p10} ~~be~~ ^{16p10} ~~given~~ ^{17p10} ~~written~~ ^{18p10} ~~permission~~ to plant additional evergreen trees and shrubs, provided that no damage is done to existing foliage as described in paragraph 3 (1).

(b) Berms--In those areas where adjacent homeowners will be exposed to sight of the buildings of the Shopping Center, it is agreed that berms and plantings will be provided to create a visual screen to such buildings. In order to create this visual screen between such buildings and the adjacent property owners, it is additionally agreed that all such berms and plantings described herein shall not utilize more than twenty-five (25) feet of that portion of the buffer property described in paragraph 2 (a) above which is adjacent to the Shopping Center, provided that no damage is done to existing foliage as described in paragraph 3 (1). Such berms and plantings shall be of appropriate height and density to accomplish the objectives stated in this paragraph. In the absence of a grading plan, no specifics can be practically established; however, they shall be no less than 6 to 8 feet in height, where necessary to provide the visual screening contemplated herein, with a slope ratio of not less than 1.5 to 1 and planted with multiple rows of evergreen trees 6 to 8 feet in height, where necessary to provide the visual screening contemplated herein, at the closest possible intervals near the top of each berm.

(c) Fence--A six-foot security fence, topped with multi-stranded barbed wire, will be placed at the grading contour line, prior to beginning of building construction and planted with appropriate evergreen shrubs to provide additional screening and protection to adjacent homeowners. Such fence and plantings shall be permanently maintained by the Shopping Center ownership in a good state of repair and shall not encroach upon the established buffer property, except as it relates to berms.

(d) Lighting--All outside lighting shall be arranged and installed so as not to reflect or cause glare on adjacent properties. In no case will the total height of the lights be more than 25 feet

from grade level. All lighting for the purposes of parking will be located to the front of the buildings. Any lighting located in the rear of the buildings shall be no more than ten feet in height.

(c) Garbage and Trash Storage--All garbage, trash and refuse generated by the operation of the Shopping Center shall be stored in central "dumpster" type containers located in an area to the rear of the main structure and appropriately screened to be out of the view of surrounding neighbors and within twenty (20) feet of the main structure.

3. The Developers agree that development of the Property will be restricted as set forth below.

(a) Uses--It is agreed that the Property may be developed only for retail, commercial and business offices and/or institutional purposes in accordance with the restrictions set forth herein.

(b) Location of Buildings and Improvements--The location of buildings and improvements on the Property, including, but not limited to, streets, pavement areas, parking and parking lots, embankments, retaining walls, trees, fences, entrances from public roads and curb lines shall be as generally shown on the plan referred to in paragraph 2 (a), subject to final architectural and site plan design reflecting the objectives set forth herein. It is recognized that the plan referred to in paragraph 2 (a) is a preliminary plan that is subject to modification as required by final architectural and site plan design set forth above.

(c) Floor Area Limitation--Not more than 92,000 square feet of total floor area shall be constructed on sites defined on the shopping center plan described in paragraph 2 (a), excluding Sites A, B, and C as delineated thereon. With respect to Sites A, B, and C, each site will be limited to a total floor area not to exceed 8,000 square feet per site.

(d) Construction--Site development construction, except for the finishing of concrete, shall occur only between the hours of 7 A.M. and 7 P.M. Monday through Saturday, except for unusual circumstances created by substantial inclement weather, and with the prior

(e) Entrances/Exits--There shall be no curbs, cuts, entrances, or exits to the Property, either now or in the future, except as defined on the above-described shopping center plan. Specifically, there shall only be one on Chamblee-Dunwoody Road, one on Mandina Lane and one from the adjacent development via Dunwoody Village Parkway.

(f) Signs--The Developers agree to cooperate with DHA in their efforts to establish an overall criteria as to the design, size and location of signs in the Dunwoody area. It is further generally agreed that neon or internally lighted signs are not to be used and that sign height shall be compatible with the architectural and graphic scale and proportion established by the style and design objectives set forth herein.

(g) Restrictions against Offensive Businesses--Businesses such as pool halls, billiard parlors, amusement arcades, adult or pornographic book stores, peep shows, or movies which would be offensive, noxious or detrimental to the community or use of the land in the vicinity shall not be carried on or permitted to be carried on within the Property. Neither shall the operation of any restaurant create or emit cooking odors objectionable to landowners in the vicinity.

(h) Site and Grade Plan--The final site plan and grading plan shall be subject to the written approval of the DHA to assure conformity with the intent, as well as the substance, of the stipulations contained herein, such approval to not be unreasonably withheld. DHA shall have fifteen (15) days from the receipt of the final site and grading plans in which to approve or disapprove such plans. If DHA has not given notice of its approval or disapproval within said fifteen (15) day period, approval for such plans shall be deemed to have been given. In the event DHA disapproves such plans, any resubmission of revised plans shall be approved or disapproved by DHA within fifteen (15) days of receipt of such revised plans. If DHA has not given notice of its approval or disapproval within said fifteen (15) day period, approval for such revised plans shall be deemed to have been given.

(i) Residential Development--S. Lowell Wamock agrees that development of the tract to the southwest and abutting the shopping center property shall begin at the earliest possible date as currently zoned (R-100) and in substantial conformity to site plan proposed for S. Lowell Wamock, with home construction to begin as soon as practical, but in any case, to precede development of the Property.

(j) Common Site Development--It is explicitly agreed that all Property included in the rezoning application, including Site A, Site B, and Site C, shall be developed in a unified plan which will be in conformity to the stipulations contained herein.

(k) Drainage--It is agreed that all permanent retention ponds or facilities required for water run-off shall be constructed as underground facilities, located in the parking lot areas. It is further agreed that proper provision shall be made for handling water run-off during site construction, including silt and debris barriers, such that no nearby property owners or buffer property shall be damaged in any way by such run-off.

(l) Foliage Retention--It is agreed that the Developers will make their best efforts to retain all substantial trees on the property, which are not located in the area defined for the buildings of the Shopping Center. Such retained trees shall be protected at the minimum by building wells around them to protect roots before grading begins and exercising caution during grading to prevent root and trunk damage.

(m) Historic Structures--As to the possible historic structures located on the Property, specifically that thought to be built by Major Dunwoody, the Developers agree to make a reasonable effort to save it in its entirety, if such can be done without prohibitive cost and within the architectural and design objectives set forth herein, and to use said structure as a curio shop or some similarly appropriate activity.

(n) Community Library--The Developers agree to make their best efforts to provide an appropriate area and amount of floor space for a community library for reasonable compensation within the budgetary constraints of DeKalb County and the Dunwoody community.

(o) **Delivery Vehicles**—The Developers understand that commercial truck traffic for the purpose of deliveries to the Shopping Center establishments is a matter of concern and agrees that deliveries shall be made during normal business hours and in such a manner as to be inoffensive to nearby homeowners and that delivery vehicles will be parked only for the time necessary to perform delivery and will be promptly removed thereafter.

(p) **Hours of Operation and Traffic Areas**—The Developers further understand the desire to limit operation of the establishments in the Shopping Center to reasonable hours and agree that no business shall operate or be open in the shopping center past midnight on any day, except for any restaurant or theater operation. The Developers further agree that those establishments generally construed to be "high traffic" shall be located, in so much as possible, in the center of the proposed building where nearby residents will be more shielded from the activity generated by those establishments.

(q) The Developers understand that heavy truck traffic during construction hours potentially jeopardizes the safety and lives of the community residents and children. It is therefore agreed that all such traffic should operate within normal traffic laws and with extreme care and concern for the safety and lives of the community.

(r) The Developers agree to allow appropriate community organizations access to the property during reasonable hours, but not the buffer area, for the purpose of removing plants, shrubs, etc. prior to grading, provided that such groups indemnify and hold harmless the Developers against any and all loss or damage arising out of such activities. The Developers reserve the right to retain certain shrubs, plants, etc. which shall be properly designated. Groups allowed access for these purposes must be approved by the DHA and accompanied by a Board Member, designated by the Board of DHA.

4. The Developers hereby declare that the Property described in Exhibit "A" is and shall be developed, owned, occupied, operated, transferred, sold and conveyed subject to the covenants and restrictions hereinabove set forth, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property and the property owned by the Adjoining Property Owners. Such covenants and restrictions shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof and shall inure to the benefit of each owner thereof, the Adjoining Property Owners and the DHA. The covenants and restrictions contained herein shall run with the Property for a period of twenty (20) years. At the end of such twenty (20) year period, upon the request of the DHA, the Developers and their successors or assigns agree to renew said covenants and restrictions and subject the Property to said covenants and restrictions for an additional twenty (20) year period. — Notwithstanding anything contained herein to the contrary, in the event that construction of the entrance way and the perimeter road on the Property pursuant to paragraph 3(b) herein are not substantially completed within two (2) years from the date hereof, then and in that event, the restrictions contained in paragraphs 3(c) and 3(d) herein providing respectively for entrances and exits to the Property and for the development of the Property in a unified plan shall cease to be covenants and restrictions running with the Property or any portion thereof. Except as herein provided, all other covenants and restrictions contained herein shall remain in full force and effect.

5. Solomon J. Banks and Myron D. Wolf join in the execution hereof as the holders of security interests in that portion of the Property owned by S. Lowell Warlock to evidence and confirm their consent to the covenants and restrictions contained herein, and do hereby subordinate the lien of their security interests to the covenants and restrictions contained herein.

6. Peachtree Federal Savings and Loan Association joins in the execution hereof as the holder of a security interest in that portion of the Property owned by Cicero Garner, Douglas W. Morgan and Curtis L.

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Page to evidence and confirm its consent to the covenants and restrictions contained herein, and does hereby subordinate the lien of its security interest to the covenants and restrictions contained herein.

7. This Agreement constitutes the entire agreement between the parties hereto and may not be amended, modified or revoked without the prior written consent of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns. Time is of the essence of this Agreement.

8. This Agreement may be executed in any number of counterparts by the parties hereto with the same effect as if all parties hereto had signed the same document. All counterparts shall be construed and shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above set forth.

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public for State of Georgia
My Comm. Expires Jan. 31, 1982

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Comm. Expires Jan. 31, 1982

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Comm. Expires Jan. 31, 1982

"DEVELOPERS"

[Signature] (SEAL)
S. LOWELL RAMBOCK

[Signature] (SEAL)
RUSSELL C. HENDERSON

[Signature] (SEAL)
CICERO GARNER, JR.

Signed, sealed and delivered
in the presence of:

M. D. Hall
Unofficial Witness

Notary Public, Georgia State at Large
My Comm. Expires Mar. 31, 1942

Signed, sealed and delivered
in the presence of:

M. D. Hall
Unofficial Witness

Notary Public, Georgia State at Large
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in the presence of:

M. D. Hall
Unofficial Witness

Notary Public, Georgia State at Large
My Comm. Expires Mar. 31, 1942

Douglas W. Morgan, D. L. M. (SEAL)
DOUGLASSON, MORGAN

Curtis E. Page (SEAL)
CURTIS E. PAGE

DUREWOODY HOMEOWNERS ASSOCIATION, INC.

By: Herb Sprague
HERB SPRAGUE, President

Attest: _____ Secretary

(CORPORATE SEAL)

Robert A. Leavelle (SEAL)
ROBERT A. LEAVELLE

James H. Linsendahl (SEAL)
JAMES H. LINSENDAH

TEACHTREE FEDERAL SAVINGS AND LOAN
ASSOCIATION

By: David C. Edwards
David C. Edwards, President

Attest: Frederick A. Cox
Frederick A. Cox, Assistant Vice President

(CORPORATE SEAL)

Signed, sealed and delivered
in the presence of:

Stanley D. Wolff
Unofficial Witness

Stanley D. Wolff
STANLEY D. WOLFF

(SEAL)

Notary Public
Official Public, Common State of Texas
My Comm. expires August 31, 1960.

Signed, sealed and delivered
in the presence of:

Michael B. Cazalza
Unofficial Witness

Solomon J. Banks
SOLOMON J. BANKS

(SEAL)

Notary Public
Official Public, Georgia, State at Large
My Comm. expires August 31, 1960.

Michael B. Cazalza
Unofficial Witness

Notary Public
Official Public, Georgia, State at Large
My Comm. expires August 31, 1960.

EXHIBIT B

JMI

Jacoby Management, Inc.

October 31, 1989



Mr. George Lambie
Zoning Manager
DeKalb County
120 West Trinity Place
Room 309-Calloway Building
Decatur, GA 30030

Re: Shops of Dunwoody
Alterations to Conditions CZ-77105 and CZ-85016

Dear Mr. Lambie:

Please consider this letter as our request to amend our application for Conditional Zoning Alterations dated September 28, 1989 in behalf of the Shops of Dunwoody, Ltd. as follows:


CZ-77105 Delete "Reduce the buffer behind the major tenant to 100'"

CZ-85016 Delete "Reduction of the buffer at the west side of the site to accommodate the major tenant"

All other items on the Application for Conditional Zoning Alterations will remain as included on the application dated September 28, 1989.

Sincerely,

JACOBY MANAGEMENT, INC.


Larry N. Barker
Development Coordinator

HW/jt

#12



SITE DATA

BUILDING AREA

LOWER LEVEL RETAIL	10,400	SF
DRUG STORE	1,410	SF
BOOKSTORE	10,000	SF
MAJOR TENANT	1,800	SF
EXISTING OFFICE	1,800	SF
EXISTING SHOPS	7,800	SF
EXISTING SHOPS	89,700	SF
NEW SHOPS	10,000	SF
TOTAL	119,400	SF

PARKING INFORMATION

PARKING PROVIDED **ABC SPACES**

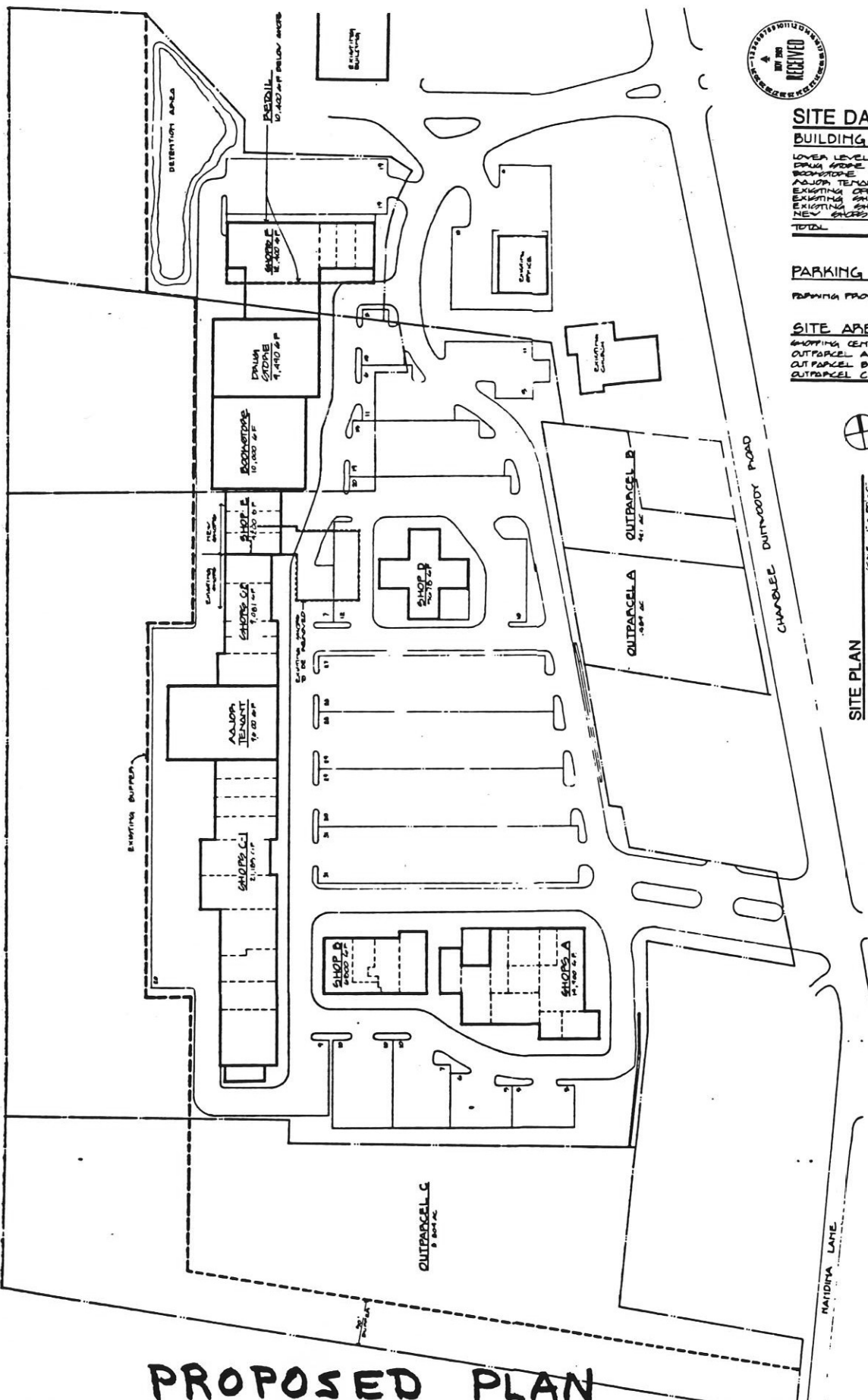
SITE AREA

SHOPPING CENTER	19,500	AC
OUTPARCEL A	409	
OUTPARCEL B	481	
OUTPARCEL C	9,804	
TOTAL	20,500	AC



SITE PLAN

SCALE 1" = 20'-0"



PROPOSED PLAN

#12

1. (Cont.)

A portion of the equipment cost (\$13,357,000) was approved by the Board of Commissioners on May 11, 1976 to be included in the existing South River Construction grant. For funding purposes, all the equipment will now be funded under a new grant to be applied for after approval of the attached resolution.

The revised total estimated DeKalb share for this request and the May 11, 1976 approval is now \$7,818,390. Another agenda item and another EPA grant will be required after August 15, 1977 for Snapfinger construction. At that time, revisions to the 1976 Bond Brochure will be requested.

MOTION was made by Commissioner Williams, seconded by Commissioner Lantier, and passed 5-1, to approve the attached resolution authorizing the Chairman to take all necessary action and sign all necessary documents to apply for EPA grant assistance for the purchase of process equipment for the Snapfinger and Pole Bridge AWT facilities in the South River AWT project.

Attachment

Opposed: Commissioner Manning

PUBLIC HEARING

- A) 01-52-30
- B) Zoning re:
Lowell
Warrnack
- C) Chamblee-
Dunwoody
Nandina
Lane

1. Lowell Warrnack Property -- Rezoning Application: To consider conditional rezoning from R-150 to C-1 property on the west side of Chamblee-Dunwoody Road at the Nandina Lane intersection. This application was deferred, for action only, from the August 9th meeting.

Recommendations:

Planning Department: Approval as conditioned.

Planning Commission: Approval as conditioned.

Mr. Lowell Warrnack, 3476 Paces Place, N.W. Atlanta, stated they have all the necessary signatures and everyone is in total agreement.

Mr. Herbert Sprague, President of the Dunwoody Homeowners Association, stated that Mr. Warrnack has shown great concern for the needs and desires of the Homeowners Association and they support his request.

MOTION was made by Commissioner Manning, seconded by Commissioner Levitan, and unanimously passed, to approve the application as conditioned.

STANDARD DISTRICT APPLICATION
(for use with conditional use district amendment only)

Applicant D.C.B.C.

Application # CZ-77105

1. Site Plan: ☒ Yes ☐ No

2. Land Use

☒ All district uses

☐ Specific use(s) as described below:

3. Density

☒ Not applicable

☐ Maximum density of district requested

☐ Modification of density as described below:

4. Timing of Development

☒ No limitation

☐ Limitations as described below:

5. Development Standards

☒ Building height maximum of district requested

☐ Limitation of building height as described below:

☐ Minimum buffer requirements of district requested

☒ Variation of buffer requirements as described below:

150' to 200' Buffer adjoining Hidden Branches
per site plan. 10' buffer variance at Southern-
most drive per site plan

Packet page:....

#12

5. Development Standards (continued)

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

- ☐ Minimum standards of access
- ☒ Limitation of points of access as described below:

1 pt. on Chamblee Dunwoody Rd. 1 pt. on
Nandina Ln. and connector to Dunwoody Village
Pkwy per site plan. Access to lots A, B, and C
via internal service roads

6. Drainage Plan: ☐ Yes ☒ No

7. Board Approval:

- ☐ Yes as described below: ☒ No

8. Other Conditions

- ☐ Yes as described below: ☐ No

6' screening Fence on Westernmost property line.
architecture to be Williamsburg style
no drainage retention in undisturbed buffer.

Applicant's Acknowledgement

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

Date: _____

Applicant: _____

#12

EXHIBIT C

and Planning Commission.

#8..

Opposed: Commissioners Patterson, Lanier.

7/26/77

- A) 01-52-30
- B) Zoning re:
DeKalb Co.
Board of Com.
- C) Chamblee-
Dunwoody Rd.
Nandina Lane

20.

CZ-77105

Commissioner District 1

Application of the DeKalb County Board of Commissioners to rezone property located on the west side of Chamblee-Dunwoody Road at its intersection with Nandina Lane from R-150 to C-1 (conditional). The property has frontage of 377' on Chamblee-Dunwoody Road, 211' on Nandina Lane and contains approximately 18.84 acres. The application is conditioned as to buffers, screening access and architecture.

Mr. Lowell Wammock spoke for the application as owner. Since the last time they were here, they have tried to work out something with abutting property owners and feel they have support. He reviewed the conditions of the application.

No one appeared in opposition.

Planning Department, Planning Commission Recommendation:
Approval

MOTION was made by Commissioner Williams, seconded by Commissioner Maloof, and unanimously passed, to defer to the August 9th meeting.

8/9/77

- A) 01-52-30
- B) Rezoning
Applic.
L. Wammock
- C) L. Wammock
Rezoning
Appl.
Defer

11. Lowell Wammock Property -- Rezoning Application:
To consider conditional rezoning from R-150 to C-1 property on the west side of Chamblee-Dunwoody Road at the Nandina Lane intersection. This application was deferred for action only from the July 26th meeting.

Mr. Lowell Wammock, 3476 Paces Place, N.W. Atlanta, spoke for the application. He has worked diligently with the County, the homeowners, and the adjacent property owners on this item, and has agreed to dedicate buffers to the County, construct a library, and apply a 2 year reversion of the access of parcels A, B, and C, to Chamblee Dunwoody Road if the service road is not constructed. This condition is in conflict with the Planning Department's recommendation that access to lots A, B, and C shall be to internal service road system and not to Chamblee-Dunwoody Road or Nandina Lane.

Mr. Steve Nelson, Director of Planning recommended that the Board approve the project with the conditions suggested by the Planning Department; and allow the Homeowners Association to enter into its own agreement with Mr. Wammock.

096

PUBLIC HEARINGS

11. (Cont.)

Mr. Herbert Sprague, President of the Dunwoody Homeowners Association, spoke against the application, his only objection being that the covenants involved in the rezoning of the property had not been signed by all parties concerned. He would approve the rezoning if the Board of Commissioners would make the condition that the signatures would have to be obtained.

MOTION was made by Commissioner Williams, seconded by Commissioner Levetan, to defer this item to the August 23 meeting. MOTION passed 5-2-0, with Commissioner Patterson and Chairman Russell opposed.

PUBLIC HEARING

8/23/77

- A) 01-52-30
- B) Zoning re:
Lowell
Wannock.
- C) Chamblee-
Dunwoody
Nandina
Lane

1. Lowell Wannock Property -- Rezoning Application: To consider conditional rezoning from R-150 to C-1 property on the west side of Chamblee-Dunwoody Road at the Nandina Lane intersection. This application was deferred, for action only, from the August 9th meeting.

Recommendations:

Planning Department: Approval as conditioned.

Planning Commission: Approval as conditioned.

Mr. Lowell Wannock, 3476 Paces Place, N.W. Atlanta, stated they have all the necessary signatures and everyone is in total agreement.

Mr. Herbert Sprague, President of the Dunwoody Homeowners Association, stated that Mr. Wannock has shown great concern for the needs and desires of the Homeowners Association and they support his request.

MOTION was made by Commissioner Manning, seconded by Commissioner Levatan, and unanimously passed, to approve the application as conditioned.

EXHIBIT D

DEKALB COUNTY
BOARD OF COMMISSIONERS

351 #8..

ITEM NO. 1

ZONING - AGENDA/MINUTES

MEETING DATE January 9, 1990

FILE COPY

PREL. ACTION PUB.HRG. XRESOLUTION ORDINANCE XPROCLAMATION SUBJECT: Alteration of Conditions Application - Jacoby Management, Inc.COMMISSION DISTRICT: 1DEPARTMENT: PlanningPUBLIC HEARING: X Yes NoATTACHMENT: X Yes No 31 ppINFORMATION CONTACT: Mac Baggett or
Charles Coleman
PHONE NUMBER: 371-2155 *cc*

(Deferred from 12/12/89 public hearing)

PURPOSE:

CZ-77105, CZ-85016, & CZ-88036 - To consider the application of Jacoby Management, Inc., to alter conditions of zoning applied to property located at the westerly intersection of Chamblee Dunwoody Road and Nandina Lane. Part of the property was zoned C-1 August 23, 1977, part of the property was zoned C-1 January 22, 1985, and part of the property was zoned C-1 February 23, 1988. The three separate zoning applications limited development by site plans, buffers, points of access, and other conditions. This request is to alter the site plan and other conditions. (The application was deferred to allow additional time for agreements to be made between the applicant and community.)

SUBJECT PROPERTY:

18-366-1-1, 2 & 10 (0000, 5500, and 5506 Chamblee Dunwoody Road).

RECOMMENDATION(s):

PLANNING DEPARTMENT: Approval of the amended request (revised 11/7/89). Staff recommendation supports the amended application as it relates to CZ-77105, CZ-85016, and CZ-88036. This action supports the proposed site plan as amended.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: No recommendation.

A) 5210

B) Alteration of Conditions -
Jacoby Management, Inc.C) Chamblee Dunwoody
Rd. Nandina LaneD) Withdra-
Prejudice

352

PREP #8..

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Williams, seconded by Commissioner Collins, and passed 7-0-0-0 to withdraw the application without prejudice.

ADOPTED: JAN 09 '90
(DATE)

Robert E. Lanier
PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: JAN 09 '90
(DATE)

[Signature]
CLERK,
DEKALB COUNTY BOARD OF COMMISSIONERS

MINUTES:

Mr. Larry Barker, 1800 Century Place, #200, Atlanta, Georgia 30345, spoke for the application and represented Jacoby Management. He stated that the applicant had answered most of the concerns expressed by the homeowners, but there are some additional concerns with the seller. For this reason, Mr. Barker requested that the application be withdrawn without prejudice.

No one spoke in opposition.

ATTACHMENT

	FOR	AGAINST	ABSTENTION	ABSE
DISTRICT 1 - Jean Williams	<input checked="" type="checkbox"/>			
DISTRICT 2 - Sherry Sutton	<input checked="" type="checkbox"/>			
DISTRICT 3 - Nathaniel Mosby	<input checked="" type="checkbox"/>			
DISTRICT 4 - Robert J. (Bob) Morris	<input checked="" type="checkbox"/>			
DISTRICT 5 - John S. Fletcher, Jr.	<input checked="" type="checkbox"/>			
AT-LARGE - Robert Lanier	<input checked="" type="checkbox"/>			
AT-LARGE - Annie Collins	<input checked="" type="checkbox"/>			

EXHIBIT E

REV. 3/89

DEKALB COUNTY
BOARD OF COMMISSIONERS

ITEM NO. _____

ZONING - AGENDA/MINUTES

PREL.	_____
ACTION	_____
PUB.HRG.	<u>X</u>

MEETING DATE December 12, 1989

RESOLUTION	_____
ORDINANCE	<u>X</u>
PROCLAMATION	_____

SUBJECT: Alteration of Conditions Application - Jacoby Management, Inc.

COMMISSION DISTRICT: 1

DEPARTMENT: Planning

PUBLIC HEARING: X Yes _____ No

ATTACHMENT: X Yes _____ No 31 pp

INFORMATION CONTACT: Mac Baggett or Charles Coleman
PHONE NUMBER: 371-2155 ce

(Deferred from 11/28/89 zoning hearing)

PURPOSE:

CZ-77105, CZ-85016, & CZ-88036 - To consider the application of Jacoby Management, Inc., to alter conditions of zoning applied to property located at the westerly intersection of Chamblee Dunwoody Road and Nandina Lane. Part of the property was zoned C-1 August 23, 1977, part of the property was zoned C-1 January 22, 1985, and part of the property was zoned C-1 February 23, 1988. The three separate zoning applications limited development by site plans, buffers, points of access, and other conditions. This request is to alter the site plan and other conditions. (The application was deferred to allow additional agreements to be made between the applicant and community.)

SUBJECT PROPERTY:

18-366-1-1, 2 & 10 (0000, 5500, and 5506 Chamblee Dunwoody Road).

RECOMMENDATION(s):

PLANNING DEPARTMENT: Approval of the amended request (revised 11/7/89). Staff recommendation supports the amended application as it relates to CZ-77105, CZ-85016, and CZ-88036. This action supports the proposed site plan as amended.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: No recommendation.

EXHIBIT F

REV. 3/89

DEKALB COUNTY
BOARD OF COMMISSIONERS**FILE COPY**

763

ITEM NO. 12.**ZONING - AGENDA/MINUTES**

PREL.	<u> </u>
ACTION	<u> </u>
PUB.HRG.	<u> X </u>

MEETING DATE November 28, 1989

RESOLUTION	<u> </u>
ORDINANCE	<u> X </u>
PROCLAMATION	<u> </u>

SUBJECT: Alteration of Conditions Application - Jacoby Management, Inc.COMMISSION DISTRICT: 1

DEPARTMENT:	Planning
-------------	----------

PUBLIC HEARING:	<u> X </u> Yes <u> </u> No
-----------------	-----------------------------------

ATTACHMENT:	<u> X </u> Yes <u> </u> No <u> 31 </u> pp
-------------	--

INFORMATION CONTACT:	Mac Baggett or TH Charles Coleman
PHONE NUMBER:	371-2155 <i>CC</i>

PURPOSE:

CZ-77105, CZ-85016, & CZ-88036 - To consider the application of Jacoby Management, Inc., to alter conditions of zoning applied to property located at the westerly intersection of Chamblee Dunwoody Road and Nandina Lane. Part of the property was zoned C-1 August 23, 1977, part of the property was zoned C-1 January 22, 1985, and part of the property was zoned C-1 February 23, 1988. The three separate zoning applications limited development by site plans, buffers, points of access, and other conditions. This request is to alter the site plan and other conditions.

SUBJECT PROPERTY:

18-366-1-1, 2 & 10 (0000, 5500, and 5506 Chamblee Dunwoody Road).

RECOMMENDATION(s):

PLANNING DEPARTMENT: Approval of the amended request (revised 11/7/89). Staff recommendation supports the amended application as it relates to CZ-77105, CZ-85016, and CZ-88036. This action supports the proposed site plan as amended.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: No recommendation.

REV. 3/89

**DEKALB COUNTY
BOARD OF COMMISSIONERS**

ITEM NO. 12.

ZONING - AGENDA/MINUTES

MEETING DATE November 28, 1989

PREL.	<u> </u>
ACTION	<u> </u>
PUB.HRG.	<u> X </u>

RESOLUTION	<u> </u>
ORDINANCE	<u> X </u>
PROCLAMATION	<u> </u>

SUBJECT: Alteration of Conditions Application - Jacoby Management, Inc.COMMISSION DISTRICT: 1 DEPARTMENT: PlanningPUBLIC HEARING: X Yes NoATTACHMENT: X Yes No 31 pp
 INFORMATION CONTACT: Mac Baggett or *TAC*
 Charles Coleman
 PHONE NUMBER: 371-2155 *CC*
PURPOSE:

CZ-77105, CZ-85016, & CZ-88036 - To consider the application of Jacoby Management, Inc., to alter conditions of zoning applied to property located at the westerly intersection of Chamblee Dunwoody Road and Nandina Lane. Part of the property was zoned C-1 August 23, 1977, part of the property was zoned C-1 January 22, 1985, and part of the property was zoned C-1 February 23, 1988. The three separate zoning applications limited development by site plans, buffers, points of access, and other conditions. This request is to alter the site plan and other conditions.

SUBJECT PROPERTY:

18-366-1-1, 2 & 10 (0000, 5500, and 5506 Chamblee Dunwoody Road).

RECOMMENDATION(s):

PLANNING DEPARTMENT: Approval of the amended request (revised 11/7/89). Staff recommendation supports the amended application as it relates to CZ-77105, CZ-85016, and CZ-88036. This action supports the proposed site plan as amended.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: No recommendation.

ALTERATION ANALYSIS

CZ-77105

CZ-85016

AGENDA NO. 12 ZONING CASE NO. CZ-88036 MONTH OF November 1989APPLICANT Jacoby Managemant, Inc. OWNER () AGENT (X)AGENT AUTHORIZED BY Shops of Dunwoody, Ltd.ORIGINAL APPLICANT DeKalb County Board of Commissioners, William L. Wilson, and Donald R. and Hilda A. WiggsLOCATION Westerly intersection of Chamblee Dunwoody Road and Nandina Lane

ACREAGE 20.4 DATE OF ZONING 8/23/77
1/22/85EXISTING ZONING C-1 COMMISSIONER DISTRICT 2/23/88
1

CONDITIONS APPLIED TO EXISTING ZONING: See attached.Note: The application was amended 11/2/89.

ALTERATION REQUESTED:

CZ-77105 - Change the site plan.

CZ-85016 - Increase total floor area by 2,500 square feet. Add an entrance/exit to the property from Nandina Lane.

CZ-88036 - Replace existing property use of "Florist and gift shop only" with all uses permitted by a C-1 designation except for businesses such as pool halls, billiard parlors, amusement arcades, adult or pornographic bookstores, peep shows, or movies which would be offensive, noxious or detrimental to the community.

The above requested conditional zoning alterations will also be substantially in accordance with the attached plan.

RECOMMENDATIONS:

PLANNING DEPARTMENT: Approval of the amended request (revised 11/7/89). Staff recommendation supports the amended application as it relates to CZ-77105, CZ-85016, and CZ-88036. This action supports the proposed site plan as amended.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: No recommendation.



Courthouse Square, Decatur, Georgia 30030

MEMORANDUM

October 27, 1989



TO: Assistant Planning Director, Zoning
FROM: Associate Director of Public Works, Roads and Drainage
SUBJECT: Additional Comments for the November Applications

This department has the following comments on these applications.

3. Z-89119

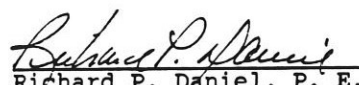
This will require the dedication of Right-of-Way 40 ft. from centerline along both parcels entire frontage with North Clarendon Avenue. North Clarendon Avenue will have to be widened to 24 ft. from centerline with curb and gutter installed along the frontage of both parcels. In addition the intersection with Cedar Street will have to be improved and a 100 ft. taper will need to be installed as a transition back to existing pavement at the southern end of this widening. Access to this site will be limited to one standard 30 ft. driveway on each street. These driveways should be located as far from the intersection as possible. The proposed parking layout will have to be modified to remove any parking from within the proposed right-of-way.

6. CZ-88167

The widening for this site should be coordinated with the Georgia Department of Transportation. The minimum county requirement for this site will be that Lilburn Stone Mountain Road be widened to 24 ft. from centerline along this properties entire frontage and Hugh Howell Road be widened for an additional 12 ft. lane along this properties entire frontage. The access to Lilburn Stone Mountain Road is acceptable as shown on this plan. The plan shows two driveways to Hugh Howell Road with the applicant proposing to close the one farthest from the intersection, we believe the one nearest the intersection should be closed.

12. CZ-77105, CZ-85016, CZ-88036

This will require the dedication of right-of-way 50 ft. from centerline along all frontage with Chamblee Dunwoody Road. Access to all outparcels should be restricted to internal development streets, no direct access to Chamblee Dunwoody Road or Nandina Lane.


Richard P. Daniel, P. E.

#12

RPD:REH

cc: Director, Public Works
Assistant Director, R & D
Deputy Director, Traffic

Packet page:... 002



Jacoby Management, Inc.

October 31, 1989



Mr. George Lambie
Zoning Manager
DeKalb County
120 West Trinity Place
Room 309-Calloway Building
Decatur, GA 30030

Re: Shops of Dunwoody
Alterations to Conditions CZ-77105 and CZ-85016

Dear Mr. Lambie:

Please consider this letter as our request to amend our application for Conditional Zoning Alterations dated September 28, 1989 in behalf of the Shops of Dunwoody, Ltd. as follows:

CZ-77105 Delete "Reduce the buffer behind the major tenant to 100'"

CZ-85016 Delete "Reduction of the buffer at the west side of the site to accommodate the major tenant"

All other items on the Application for Conditional Zoning Alterations will remain as included on the application dated September 28, 1989.

Sincerely,

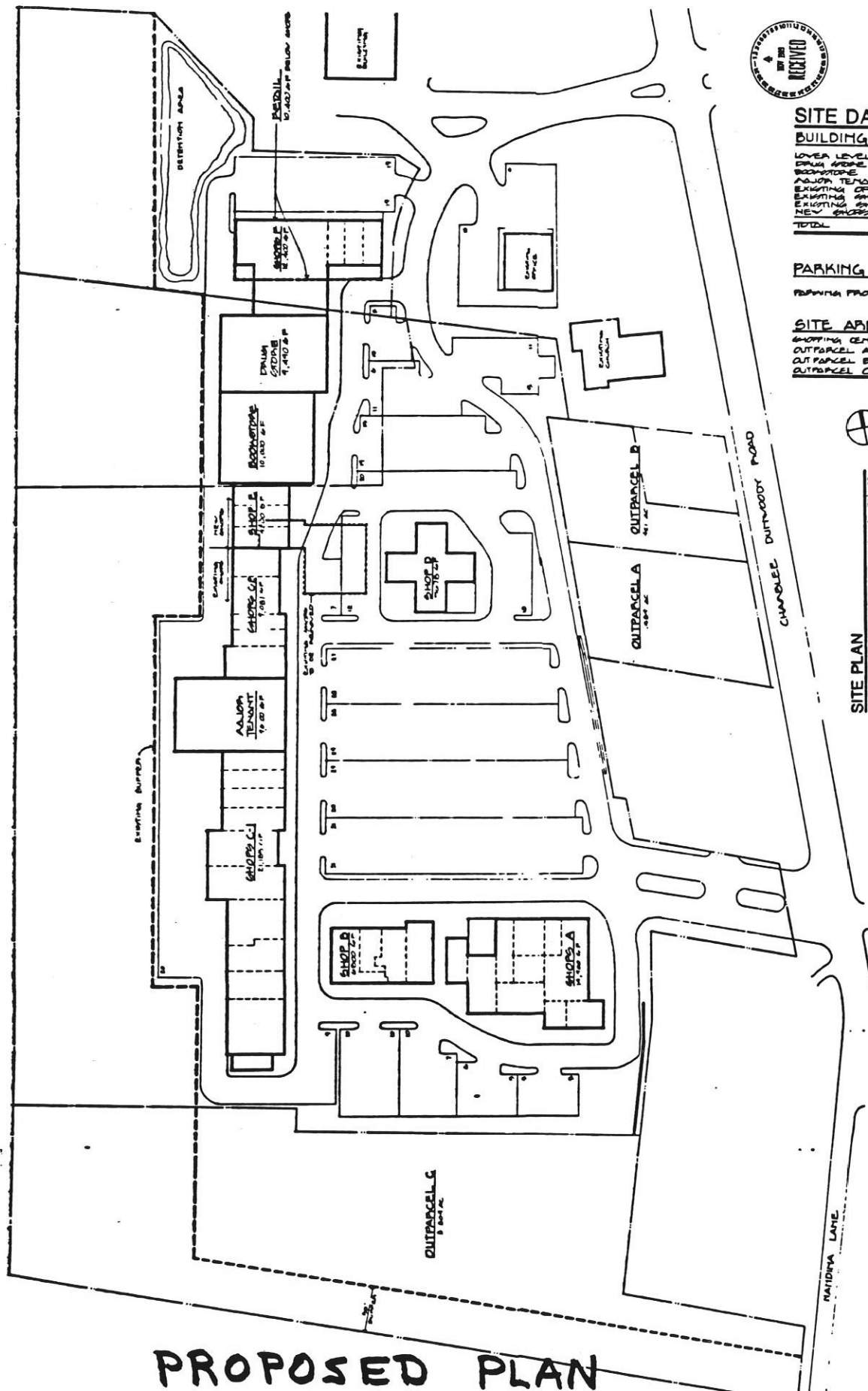
JACOBY MANAGEMENT, INC.

Larry N. Barker
Development Coordinator

HW/jt

#12

Packet page



SITE DATA

BUILDING AREA

LOWER LEVEL RETAIL	10,130	SF
DRUG STORE	9,410	SF
BOOMSTONE	10,130	SF
SHOP E	7,130	SF
EXISTING OFFICE	4,800	SF
EXISTING SHOP	7,000	SF
EXISTING SHOP	99,700	SF
NEW SHOP	10,000	SF
TOTAL	114,100	SF

PARKING INFORMATION

REMARKS PROVIDED: 400 SPACES

SITE AREA

SHOPPING CENTER	10,900	AC
OUTPARCEL A	400	AC
OUTPARCEL B	401	AC
OUTPARCEL C	5,001	AC
TOTAL	16,702	AC



SITE PLAN

PROPOSED PLAN

#12

Packet page:...

094

REGULAR AGENDUM

1. (Cont.)

A portion of the equipment cost (\$13,357,000) was approved by the Board of Commissioners on May 11, 1976 to be included in the existing South River Construction grant. For funding purposes, all the equipment will now be funded under a new grant to be applied for after approval of the attached resolution.

The revised total estimated DeKalb share for this request and the May 11, 1976 approval is now \$7,818,390. Another agenda item and another EPA grant will be required after August 15, 1977 for Snapfinger construction. At that time, revisions to the 1976 Bond Brochure will be requested.

MOTION was made by Commissioner Williams, seconded by Commissioner Lanier, and passed 5-1, to approve the attached resolution authorizing the Chairman to take all necessary action and sign all necessary documents to apply for EPA grant assistance for the purchase of process equipment for the Snapfinger and Pole Bridge AMT facilities in the South River AMT project.

Attachment

Opposed: Commissioner Manning

PUBLIC HEARING

- A) 01-52-30
- B) Zoning re:
Lowell
Hammock
- C) Chamblee-
Dunwoody
Nandina
Lane

1. Lowell Hammock Property -- Rezoning Application: To consider conditional rezoning from R-150 to C-1 property on the west side of Chamblee-Dunwoody Road at the Nandina Lane intersection. This application was deferred, for action only, from the August 9th meeting.

Recommendations:

Planning Department: Approval as conditioned.

Planning Commission: Approval as conditioned.

Mr. Lowell Hammock, 3476 Paces Place, N.W. Atlanta, stated they have all the necessary signatures and everyone is in total agreement.

Mr. Herbert Sprague, President of the Dunwoody Homeowners Association, stated that Mr. Hammock has shown great concern for the needs and desires of the Homeowners Association and they support his request.

MOTION was made by Commissioner Manning, seconded by Commissioner Levitan, and unanimously passed, to approve the application as conditioned.

SEATTLE CITY LIGHTS
(for use with conditions of use amendment only)

Applicant D.C.B.C.

Application = CZ-77105

1. Site Plan: ☒ Yes ☐ No

2. Land Use

☒ All district uses

☐ Specific use(s) as described below:

3. Density

☒ Not applicable

☐ Maximum density of district requested

☐ Modification of density as described below:

4. Timing of Development

☒ No limitation

☐ Limitations as described below:

5. Development Standards

☒ Building height maximum of district requested

☐ Limitation of building height as described below:

☐ Minimum buffer requirements of district requested

☒ Variation of buffer requirements as described below:

150' to 200' Buffer adjoining Hidden Branches
per site plan. 10' buffer variance at Southern-
most drive per site plan Packet page:...

#12

5. Development Standards (continued)

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

- ☐ Minimum standards of access
- ☒ Limitation of points of access as described below:

1 pt. on Chamblee Dunwoody Rd. 1 pt. on
Nandina Ln. and connector to Dunwoody Village
Pkwy. per site plan. Access to lots A, B, and C
via internal service roads

6. Drainage Plan: ☐ Yes ☒ No

7. Board Utility Maps

- ☐ Yes as described below: ☒ No

8. Other Conditions

- ☐ Yes as described below: ☐ No

6' screening Fence on Westernmost property line.
architecture to be Williamsburg style
no drainage retention in undisturbed buffer.

Applicant's Acknowledgement

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

Date: _____

Applicant: _____

#12

8/23/77

STATE OF GEORGIA)
COUNTY OF DEKALB)

AGREEMENT AND DECLARATION OF
COVENANTS AND RESTRICTIONS

*Not condition
of zoning.*

THIS AGREEMENT made this ____ day of August, 1977 by and between S. LOWELL WATMOCK, RUSSELL G. HENDERSON and CICERO GARNER, JR., DOUGLAS W. MORGAN and CURTIS R. PAGE (hereinafter called the "Developers"), the DUNWOODY HOMEOWNERS ASSOCIATION, INC. (hereinafter called the "DHA"), and ROBERT A. LEAVY and FRANK R. COLIANO (hereinafter referred to as "Adjoining Property Owners") with SOLOMAN J. BANKS, MYRON D. WOLF and PEACHTREE FEDERAL SAVINGS AND LOAN ASSOCIATION joining in the execution of this Agreement for the purposes hereinafter set forth.

W I T N E S S E T H:

WHEREAS, the Developers are the owners of certain tracts of real property located in Land Lot 366, 18th District, Dekalb County, Georgia as more particularly described in Exhibit "A", attached hereto and by reference made a part hereof (hereinafter called the "Property"); and

WHEREAS, the parties hereto desire that the Property be subject to certain covenants and restrictions hereinafter set forth in connection with the development of the Property as a shopping center and other commercial uses permitted by zoning (the "Shopping Center").

NOW, THEREFORE, in consideration of the premises of this Agreement and the mutual undertakings by the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

✓ 1. The Property will be developed pursuant to the following architectural guidelines:

✓ (a) Design--The Shopping Center, identified as Dunwoody West, will be developed in an architectural design comparable to the style and theme of the main portion of Dunwoody Village Shopping Center.

#12

✓ (b) Facade--The entire structure will be faced with building materials which are comparable to or reasonable facsimiles of the building materials used in similar locations of the main portion of Dunwoody Village Shopping Center, except that less expensive materials may be utilized, at the Developers' choice, in portions of the buildings which will not be exposed to either public view or adjacent homes.

✓ (c) Windows--No windows will face the housing to the west of the Shopping Center.

✓ (d) Building Height--The building height of the Shopping Center shall not exceed twenty-five (25) feet from grade level, at the roof peak, except for towers where deemed necessary by the Developers to maintain the proper design proportion.

✓ (e) Roofing--The roofing shall meet the same design and building material requirements set forth in paragraphs 1 (a) and (b) above.

2. In order to protect the Adjoining Property Owners, the Developers agree as hereinafter set forth.

(a) Buffers--Except as provided in paragraph 2 (b), there shall be appropriate undisturbed buffers, as defined in the shopping center plan, Dunwoody West, dated October 4, 1976, and revised February 9, 1977. Said buffers are generally defined as from 150 feet to 200 feet on the west. Solely at the option of DHA and the adjacent homeowners, the buffer property may be: (1) deeded to adjacent homeowners, with covenants providing for the undisturbed character for 20 years; or (2) deeded to DHA with the same covenants; or ^{NR}(3) deeded to Dekalb County, with the same covenants; (4) remain as a part of the shopping center property under the same covenants or (5) leased to DHA with the same covenants. Such election shall be made within ninety (90) days after the rezoning by the Dekalb County Commissioners. Except as provided in paragraph 2 (b), such buffer property shall remain undisturbed and will not be encroached upon any further than shown on the above-described shopping center plans. The Developers further agree that additional plantings may be desirable or necessary in the buffer property to reduce visual impact on adjacent homeowners.

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In the event that this is necessary, DHA will grant written permission to plant additional evergreen trees and shrubs, provided that no damage is done to existing foliage as described in paragraph 3 (1).

✓ (b) Berms--In those areas where adjacent homeowners will be exposed to sight of the buildings of the Shopping Center, it is agreed that berms and plantings will be provided to create a visual screen to such buildings. In order to create this visual screen between such buildings and the adjacent property owners, it is additionally agreed that all such berms and plantings described herein shall not utilize more than twenty-five (25) feet of that portion of the buffer property described in paragraph 2 (a) above which is adjacent to the Shopping Center, provided that no damage is done to existing foliage as described in paragraph 3 (1). Such berms and plantings shall be of appropriate height and density to accomplish the objectives stated in this paragraph. In the absence of a grading plan, no specifics can be practically established; however, they shall be no less than 6 to 8 feet in height, where necessary to provide the visual screening contemplated herein, with a slope ratio of not less than 1.5 to 1 and planted with multiple rows of evergreen trees 6 to 8 feet in height, where necessary to provide the visual screening contemplated herein, at the closest possible intervals near the top of each berm.

✓ (c) Fence--A six-foot security fence, topped with multi-stranded barbed wire, will be placed at the grading contour line, prior to beginning of building construction and planted with appropriate evergreen shrubs to provide additional screening and protection to adjacent homeowners. Such fence and plantings shall be permanently maintained by the Shopping Center ownership in a good state of repair and shall not encroach upon the established buffer property, except as it relates to berms.

(d) Lighting--All outside lighting shall be arranged and installed so as not to reflect or cause glare on adjacent properties. In no case will the total height of the lights be more than 25 feet

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from grade level. All lighting for the purposes of parking will be located to the front of the buildings. Any lighting located in the rear of the buildings shall be no more than ten feet in height.

✓ (e) Garbage and Trash Storage--All garbage, trash and refuse generated by the operation of the Shopping Center shall be stored in central "dumpster" type containers located in an area to the rear of the main structure and appropriately screened to be out of the view of surrounding neighbors and within twenty (20) feet of the main structure.

3. The Developers agree that development of the Property will be restricted as set forth below.

✓ (a) Uses--It is agreed that the Property may be developed only for retail commercial and business offices and/or institutional purposes in accordance with the restrictions set forth herein.

✓ (b) Location of Buildings and Improvements--The location of buildings and improvements on the Property, including, but not limited to, streets, pavement areas, parking and parking lots, embankments, retaining walls, trees, fences, entrances from public roads and curb lines shall be as generally shown on the plan referred to in paragraph 2 (a), subject to final architectural and site plan design reflecting the objectives set forth herein. It is recognized that the plan referred to in paragraph 2 (a) is a preliminary plan that is subject to modification as required by final architectural and site plan design set forth above.

✓ (c) Floor Area Limitation--Not more than 92,000 square feet of total floor area shall be constructed on sites defined on the shopping center plan described in paragraph 2 (a), excluding Sites A, B, and C as delineated thereon. With respect to Sites A, B, and C, each site will be limited to a total floor area not to exceed 8,000 square feet per site.

✓ (d) Construction--Site development construction, except for the finishing of concrete, shall occur only between the hours of 7 A.M. and 7 P.M. Monday through Saturday, except for unusual circumstances created by substantial inclement weather, and with the prior written approval of DHA, which approval will not be unreasonably withheld.

✓ (e) Entrances/Exits--There shall be no curb cuts, entrances, or exits to the Property, either now or in the future, except as defined on the above-described shopping center plan. Specifically, there shall only be one on Chamblee-Dunwoody Road, one on Nandine Lane and one from the adjacent development via Dunwoody Village Parkway.

✓ (f) Signs--The Developers agree to cooperate with DHA in their efforts to establish an overall criteria as to the design, size and location of signs in the Dunwoody area. It is further generally agreed that neon or internally lighted signs are not to be used and that sign height shall be compatible with the architectural and graphic scale and proportion established by the style and design objectives set forth herein.

✓ (g) Restrictions against Offensive Businesses--Businesses such as pool halls, billiard parlors, amusement arcades, adult or pornographic book stores, peep shows, or movies which would be offensive, noxious or detrimental to the community or use of the land in the vicinity shall not be carried on or permitted to be carried on within the Property. Neither shall the operation of any restaurant create or emit cooking odors objectionable to landowners in the vicinity.

✓ (h) Site and Grade Plan--The final site plan and grading plan shall be subject to the written approval of the DHA to assure conformity with the intent, as well as the substance, of the stipulations contained herein, such approval to not be unreasonably withheld. DHA shall have fifteen (15) days from the receipt of the final site and grading plans in which to approve or disapprove such plans. If DHA has not given notice of its approval or disapproval within said fifteen (15) day period, approval for such plans shall be deemed to have been given. In the event DHA disapproves such plans, any resubmission of revised plans shall be approved or disapproved by DHA within fifteen (15) days of receipt of such revised plans. If DHA has not given notice of its approval or disapproval within said fifteen (15) day period, approval for such revised plans shall be deemed to have been given.

#12

✓(i) Residential Development--S. Lowell Wammock agrees that development of the tract to the southwest and abutting the shopping center property shall begin at the earliest possible date as currently zoned (R-100) and in substantial conformity to site plan proposed for S. Lowell Wammock, with home construction to begin as soon as practical, but in any case, to precede development of the Property.

✓(j) Common Site Development--It is explicitly agreed that all Property included in the rezoning application, including Site A, Site B, and Site C, shall be developed in a unified plan which will be in conformity to the stipulations contained herein.

✓(k) Drainage--It is agreed that all permanent retention ponds or facilities required for water run-off shall be constructed as underground facilities, located in the parking lot areas. It is further agreed that proper provision shall be made for handling water run-off during site construction, including silt and debris barriers, such that no nearby property owners or buffer property shall be damaged in any way by such run-off.

✓(l) Foliage Retention--It is agreed that the Developers will make their best efforts to retain all substantial trees on the property, which are not located in the area defined for the buildings of the Shopping Center. Such retained trees shall be protected at the minimum by building wells around them to protect roots before grading begins and exercising caution during grading to prevent root and trunk damage.

✓(m) Historic Structures--As to the possible historic structures located on the Property, specifically that thought to be built by Major Dunwoody, the Developers agree to make a reasonable effort to save it in its entirety, if such can be done without prohibitive cost and within the architectural and design objectives set forth herein, and to use said structure as a curio shop or some similarly appropriate activity.

✓(n) Community Library--The Developers agree to make their best efforts to provide an appropriate area and amount of floor space for a community library for reasonable compensation within the budgetary constraints of Dekalb County and the Dunwoody community.

#12

✓(o) Delivery Vehicles--The Developers understand that commercial truck traffic for the purpose of deliveries to the Shopping Center establishments is a matter of concern and agrees that said deliveries shall be made during normal business hours and in such a manner as to be inoffensive to nearby homeowners and that delivery vehicles will be parked only for the time necessary to perform delivery and will be promptly removed thereafter.

✓(p) Hours of Operation and Traffic Areas--The Developers further understand the desire to limit operation of the establishments in the Shopping Center to reasonable hours and agree that no business shall operate or be open in the shopping center past midnight on any day, except for any restaurant or theater operation. The Developers further agree that those establishments generally construed to be "high traffic" shall be located, in so much as possible, in the center of the proposed building where nearby residents will be more shielded from the activity generated by those establishments.

✓(q) The Developers understand that heavy truck traffic during construction hours potentially jeopardizes the safety and lives of the community residents and children. It is therefore agreed that all such traffic should operate within normal traffic laws and with extreme care and concern for the safety and lives of the community.

✓(r) The Developers agree to allow appropriate community organizations access to the property during reasonable hours, but not the buffer area, for the purpose of removing plants, shrubs, etc. prior to grading, provided that such groups indemnify and hold harmless the Developers against any and all loss or damage arising out of such activities. The Developers reserve the right to retain certain shrubs, plants, etc. which shall be properly designated. Groups allowed access for these purposes must be approved by the DHA and accompanied by a Board Member, designated by the Board of DHA.

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4. The Developers hereby declare that the Property described in Exhibit "A" is and shall be developed, owned, occupied, operated, transferred, sold and conveyed subject to the covenants and restrictions hereinabove set forth, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property and the property owned by the Adjoining Property Owners. Such covenants and restrictions shall be binding on all parties having or acquiring any right, title or interest in the Property or any part thereof and shall inure to the benefit of each owner thereof, the Adjoining Property Owners and the DHA. The covenants and restrictions contained herein shall run with the Property for a period of twenty (20) years. At the end of such twenty (20) year period, upon the request of the DHA, the Developers and their successors or assigns agree to renew said covenants and restrictions and subject the Property to said covenants and restrictions for an additional twenty (20) year period. Notwithstanding anything contained herein to the contrary, in the event that construction of the entrance way and the perimeter road on the Property pursuant to paragraph 3(b) herein are not substantially completed within two (2) years from the date hereof, then and in that event, the restrictions contained in paragraphs 3(e) and 3(j) herein providing respectively for entrances and exits to the Property and for the development of the Property in a unified plan shall cease to be covenants and restrictions running with the Property or any portion thereof. Except as herein provided, all other covenants and restrictions contained herein shall remain in full force and effect.

5. Solomon J. Banks and Myron D. Wolf join in the execution hereof as the holders of security interests in that portion of the Property owned by S. Lowell Wammoth to evidence and confirm their consent to the covenants and restrictions contained herein, and do hereby subordinate the lien of their security interests to the covenants and restrictions contained herein.

6. Peachtree Federal Savings and Loan Association joins in the execution hereof as the holder of a security interest in that portion of the Property owned by Cicero Garner, Douglas W. Morgan and Curtis R.

Page to evidence and confirm its consent to the covenants and restrictions contained herein, and does hereby subordinate the lien of its security interest to the covenants and restrictions contained herein.

7. This Agreement constitutes the entire agreement between the parties hereto and may not be amended, modified or revoked without the prior written consent of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns. Time is of the essence of this Agreement.

8. This Agreement may be executed in any number of counterparts by the parties hereto with the same effect as if all parties hereto had signed the same document. All counterparts shall be construed and shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above set forth.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

"DEVELOPERS"

S. LOWELL WAMMOCK (SEAL)

RUSSELL G. HENDERSON (SEAL)

CICERO GARNER, JR. (SEAL)

#12

Signed, sealed and delivered
in the presence of:

Unofficial Witness

DOUGLAS W. MORGAN (SEAL)

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

CURTIS R. PAGE (SEAL)

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

By: _____
HERB SPRAGUE, President

Notary Public

Attest: _____
Secretary

(CORPORATE SEAL)

Signed, sealed and delivered
in the presence of:

Unofficial Witness

ROBERT A. LEAVY (SEAL)

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

FRANK R. COLIANO (SEAL)

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

PEACHTREE FEDERAL SAVINGS AND LOAN
ASSOCIATION

By: _____

Notary Public

Attest: _____

(CORPORATE SEAL)

#12

Signed, sealed and delivered
in the presence of:

Unofficial Witness

MYRON D. WOLF (SEAI

Notary Public

Signed, sealed and delivered
in the presence of:

Unofficial Witness

SOLOMAN J. BANKS (SEAI

Notary Public

#12

TRACT NO. 1

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

TO FIND THE TRUE POINT OF BEGINNING of the parcel herein described commence at the point where the west line of Land Lot 366 intersects the northwestern right of way line of Mount Vernon Highway, said point also being located a distance of 918.5 feet southwesterly as measured along the northwestern right of way line of Mount Vernon Highway from the intersection of the northwestern right of way line of Mount Vernon Highway and the west right of way line of Nandina Lane; running thence in a northerly direction along the west line of Land Lot 366 a distance of 894.9 feet to the true point of beginning thus established continuing thence in a northerly direction along the west line of Land Lot 366 north 09 degrees 39 minutes west a distance of 766.9 feet to an iron pin located on the south side of a 20-foot alley; running thence north 83 degrees 00 minutes east along the south side of said 20-foot alley a distance of 629.3 feet to an iron pin; running thence south 18 degrees 35 minutes east a distance of 410.2 feet to an iron pin; running thence south 04 degrees 03 minutes east a distance of 300.0 feet to an iron pin; running thence south 29 degrees 41 minutes east a distance of 201.8 feet to an iron pin located on the west right of way line of Nandina Lane; running thence south 04 degrees 38 minutes east and along the west right of way line of Nandina Lane a distance of 83.3 feet to an iron pin; running thence south 89 degrees 37 minutes west a distance of 861.3 feet to an iron pin and the point of beginning; as per survey for "Lowell Wamrock" prepared by Southland Engineers & Surveyors, Inc. dated August 26, 1971, last revised October 19, 1971, and containing 12.192 acres according to said survey.

TRACT NO. 2

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

BEGINNING at a point marked by an iron pin found located a distance of 969.26 feet southerly as measured southerly along the west line of Land Lot 366 from the common corner of Land Lots 365, 366, 376, and 377; thence running South 84 degrees 01 minutes East a distance of 398.88 feet to a point marked by an axle; thence running South 84 degrees 15 minutes East a distance of 187.60 feet to a point; thence running South 10 degrees 00 minutes East a distance of 90.00 feet to a point; thence running South 84 degrees 17 minutes East a distance of 75.00 feet to a point; thence running South 10 degrees 40 minutes East a distance of 272.59 feet to a point located on the center line of an abandoned street, formerly known as Christopher Street, said point being located a distance of 100.00 feet westerly as measured westerly along the center line of the aforesaid abandoned street from the intersection formed by the center line of the aforesaid abandoned street with the western margin of the right-of-way of Chamblee-Dunwoody Road; thence running North 81 degrees 18 minutes 41 seconds West along the aforesaid center line of the abandoned street a distance of 724.66 feet to a point located on the west line of Land Lot 366; thence running North 01 degree 24 minutes West along the west line of Land Lot 366 a distance of 315.04 feet to the point of beginning.

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TRACT NO. 3

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

BEGINNING at the iron pin found at the intersection of the west side of Chamblee-Dunwoody Road (formerly known as Roswell Street) with the center line of the strip of land formerly known as Christopher Street (an abandoned street); and running thence South 11 degrees 52 minutes 56 seconds East, 148.91 feet along the west side of Chamblee-Dunwoody Road to an iron pin at the north line of property conveyed by Dr. N. Strickland to A. N. Burnham by warranty deed dated December 16, 1919, of record in Deed Book 123, page 183, DeKalb County Records (said adjoining property now or formerly being owned by Russell G. Henderson); thence North 83 degrees 24 minutes 04 seconds West along the north line of said Henderson property and along a stone wall 200 feet to the east line of property now or formerly owned by Austin; thence North 10 degrees 59 minutes 09 seconds West, 155.8 feet along the line of said Austin property to the center line of the former Christopher Street (abandoned); thence South 81 degrees 18 minutes 41 seconds East along the center line of former Christopher Street (abandoned) 200 feet to an iron pin at the west side of Chamblee-Dunwoody Road and the point of beginning.

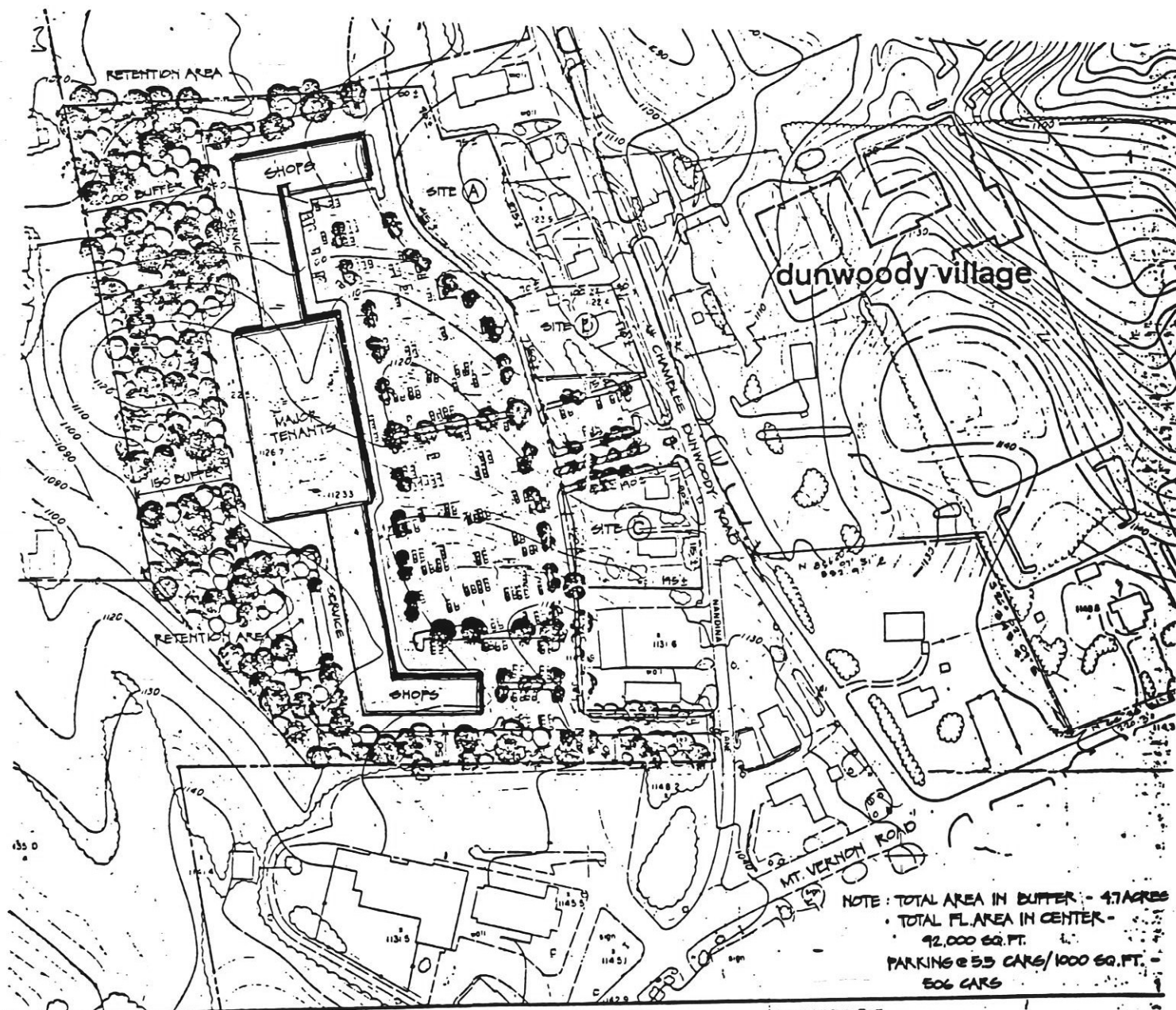
TRACT NO. 4

All that tract or parcel of land lying and being in Land Lot No. 366 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the western side of Chamblee-Dunwoody Road, formerly known as Roswell Street, at the northeast corner of the S. T. Spruill, then B. T. Pierce property, said beginning point being at the northeast corner of Lot 13 as shown on the map hereinafter referred to, and being located 50 feet north of the intersection of the western side of Chamblee-Dunwoody Road with the west side of Mandina Lane; and running thence northwesterly along the western side of Chamblee-Dunwoody Road 156.4 feet to the southern side of a stone wall at the south line of the N. Strickland property; running thence westerly in a straight line along the southern line of said N. Strickland property 195.19 feet to an iron pin at the northwestern corner of Lot 16 as shown on the map hereinafter referred to; thence southeasterly along the line of property now or formerly owned by Austin, which is along the rear line of Lots 16, 15 and 14, as shown on the map hereinafter referred to a distance of 150 feet to an iron pin at the northwest corner of said Lot 13; running thence easterly along the northern line of said S. T. Spruill, then B. T. Pierce property, which is along the northern line of said Lot 13, a distance of 197.36 feet to an iron pin on the western side of Chamblee-Dunwoody Road at the point of beginning; said property being all of Lots 14, 15 and 16, and a portion of Lot 17 as shown on Map of Dunwoody recorded in Plat Book 9, page 73, DeKalb County Records.

Being the same property conveyed by Warranty Deed from The Citizens and Southern National Bank, as Trustee under Agreement of the James H. Cowart, Inc. Profit Sharing Plan "4937 H", to Russell G. Henderson, dated January 29, 1971, filed for record February 1, 1971, recorded in Deed Book 2609, page 781, in the Office of the Clerk of the Superior Court of DeKalb County, Georgia.

#12



opping center plan

REZONING PLAN

#12

REV: 12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE January 22, 1985

REL.

ACTION

PUB.HRG.. X

CZ-85016
minutes
+
cards.

346

#8..

ITEM NO. 20

RESOLUTION

ORDINANCE X

PROCLAMATION

SUBJECT: Rezoning Application - William L. Wilson

DEPARTMENT: Planning

PUBLIC HEARING: X Yes No

ATTACHMENT: X Yes No 10 pp

INFORMATION CONTACT: Mac Baggett or Charles Coleman
PHONE NUMBER: 371-2155

PURPOSE: CZ-85016 - To consider the application of William L. Wilson to rezone property located on the west side of Dunwoody Village Parkway, approximately 340 west of Chamblee Dunwoody Road, from R-150 to C-1 (conditional). The application is conditioned by a list of conditions.

DISTRICT: X 1. 2. 3. 4. 5. N/A

SUBJECT PROPERTY: 18-366-1-10 (0000 Chamblee Dunwoody Road). The property has frontage of 171' and contains 2.27 acres.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval as amended. The proposal as amended is consistent with recommendations of the Comprehensive Plan and compatible with area zoning and development.

PLANNING COMMISSION: Approval.

AREA 1 COMMUNITY COUNCIL: Approval subject to applicant following all agreements and covenants.

#12

A) 5230 B) Zoning:
347 William L.
Wilson

C) Dunwoody
Village
Parkway/
Cham. Dun. Rd.

PAGE 2

FOR USE BY COMMISSION OFFICE/CLERK ONLY


ACTION:

MOTION was made by Commissioner Manning, seconded by Commissioner Fletcher, and passed 7-0, to approve the application as recommended by the Planning Department.

ADOPTED: JAN 24 1985
(DATE)

CERTIFIED: JAN 24 1985
(DATE)


PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS


CLERK,
DEKALB COUNTY BOARD OF COMMISSIONERS

MINUTES:

No one appeared to speak in opposition.

	FOR	AGAINST	ABSTENTION	ABSENT
DISTRICT 1 - Jean Williams	✓			
DISTRICT 2 - Sherry Schulman	✓			
DISTRICT 3 - John Evans	✓			
DISTRICT 4 - Robert J. (Bob) Morris	✓			
DISTRICT 5 - John S. Fletcher, Jr.	✓			
AT-LARGE - Brince H. Manning, III	✓			
AT-LARGE - Robert Lanier	✓			

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CONDITIONS OF REZONING

William L. Wilson
Zoning Case No. CZ-85016

1. The property may be developed only for Retail, Commercial and Business Offices and/or Institutional purposes in accordance with these proposed conditions of rezoning.
2. Not more than 20,000 square feet of total floor area shall be constructed on the site.
3. Businesses such as pool halls, billiard parlors, amusement arcades, adult or pornographic bookstores, peep shows, or movies which would be offensive, noxious or detrimental to the community or use of the land in the vicinity shall not be carried on or permitted to be carried on within the property. Neither shall the operation of any restaurant create or emit cooking odors objectionable to land owners in the vicinity.
4. Improvements will be developed in the colonial architectural design comparable to the style and theme of the adjacent shops of Dunwoody and Dunwoody Hall and Dunwoody Village Shopping Centers.
5. The proposed structure will be faced with building materials which are comparable to or reasonable facsimiles of the building materials used in similar locations of the main portion of Dunwoody Village Shopping Center, except that less expensive materials may be utilized, at the developer's choice, in portions of the buildings which will not be exposed to either public view or adjacent homes.
6. The building height of the improvements shall not exceed two stories from grade level, except for towers where deemed necessary by the developers to maintain the proper design proportion.
7. The roofing shall meet the same design and building materials set forth in Paragraphs 4 and 5 above.
8. A one hundred and fifty foot "undisturbed buffer" will be maintained across the rear of the subject property adjacent to neighboring single family residential development. Said "undisturbed buffer" shall not prohibit the addition of plantings which may be added to the buffer property to reduce visual impact on adjacent homeowners, provided that no damage is done to existing foliage.
9. A six foot security fence, topped with multi-stranded barbed wire, will be placed at the grading contour line, prior to the beginning of building construction and planted with appropriate evergreen shrubs to provide additional screening protection to adjacent homeowner's. Such fence and plantings shall be permanently maintained by the developer in a good state of repair and shall not encroach upon the aforementioned buffer property.
10. All outside lighting shall be arranged and installed so as not to reflect or cause glare on adjacent properties. In no case will the total height of the lights be more than 25 feet from grade level. All lighting for the purposes of

EXHIBIT (A)

#20

#12

parking will be located to the front of the buildings. Any lighting located in the rear of the building shall be no more than 10 feet in height.

11. All garbage, trash and refuse generated by the operation of the development shall be stored in central "dumpster" type containers located in the area to the rear of the main structure and appropriately screened to be out of the view of surrounding neighbors and within 20 feet of the main structure.
12. Site development construction, except for the finishing of concrete, shall occur only between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday, except for unusual circumstances created by substantial inclement weather.
13. There shall be no curb cuts, entrances, or exits to the property, either now or in the future, except from Chamblee-Dunwoody Road and from the adjacent development via Dunwoody Village Parkway extension.
14. Neon or internally lighted signs shall not be used in the development.
15. All permanent retention ponds or facilities required for water runoff shall be constructed as underground facilities, located in the parking lot areas. Proper provision shall be made for handling water runoff during site construction, including silt and debris barriers to insure that nearby property owners or buffer property shall not be damaged in any way by such runoff.
16. Commercial truck traffic delivery shall be made during normal business hours and delivery vehicles will be parked only for the time necessary to perform delivery and will be promptly removed thereafter.
17. No business in the development shall operate or be open past midnight on any day, except for any restaurant or theater operation.

#20

#12

CZ-88036
Minutes

682

12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE February 23, 1988

PREL.	___
ACTION	___
PUB.HRG.	<u>X</u>

ITEM NO.	<u>16.</u>
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RESOLUTION	___
ORDINANCE	<u>X</u>
PROCLAMATION	___

SUBJECT: Rezoning Application - Donald R. and Hilda A. Wiggs

DEPARTMENT: Planning

PUBLIC HEARING:	<u>X</u> Yes	___ No
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ATTACHMENT:	<u>X</u> Yes	___ No	<u>6</u> pp
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INFORMATION CONTACT:	Mac Baggett or Charles Coleman
PHONE NUMBER:	371-2155

cc

PURPOSE: CZ-88036 - To consider the application of Donald R. and Hilda A. Wiggs to rezone property located on the southwest side of Chamblee Dunwoody Road, approximately 400' southeast of Dunwoody Village Parkway, from R-150 to C-1 (conditional). The application is conditioned on use of the property for a florist and gift shop.

DISTRICT: X 1. ___ 2. ___ 3. ___ 4. ___ 5. ___ N/A

SUBJECT PROPERTY: 18-366-1-2 (5500 Chamblee Dunwoody Road). The property has frontage of 196' and contains .5 acre.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval with condition. The request is consistent with recommendations of the Comprehensive Plan and compatible with area zoning. Staff supports the rezoning application subject to approval of access and road improvements as may be required by the Public Works Department.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: Approval subject to having only one curb cut and the buildings to be renovated in a manner compatible with the adjoining renovated building.

#12

A) 5230 B) Zoning C) Chamblee
Appl. Dunwoody Rd.,
Wigys Dunwoody
683 Village Pkwy.

PAGE

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Williams, seconded by Commissioner Schulman, and passed 5-0-0, to approve the application as recommended by the Planning Department.

Commissioner Fletcher out of the room and not voting.
(Commissioner Evans absent due to wife's illness)

ADOPTED: FEB 23 '88
(DATE)

CERTIFIED: FEB 23 '88
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,
DEKALB COUNTY BOARD OF COMMISSIONERS

MINUTES:

Mr. James Anthony, 365 Saddle Lake Drive, Roswell, represented the applicant.

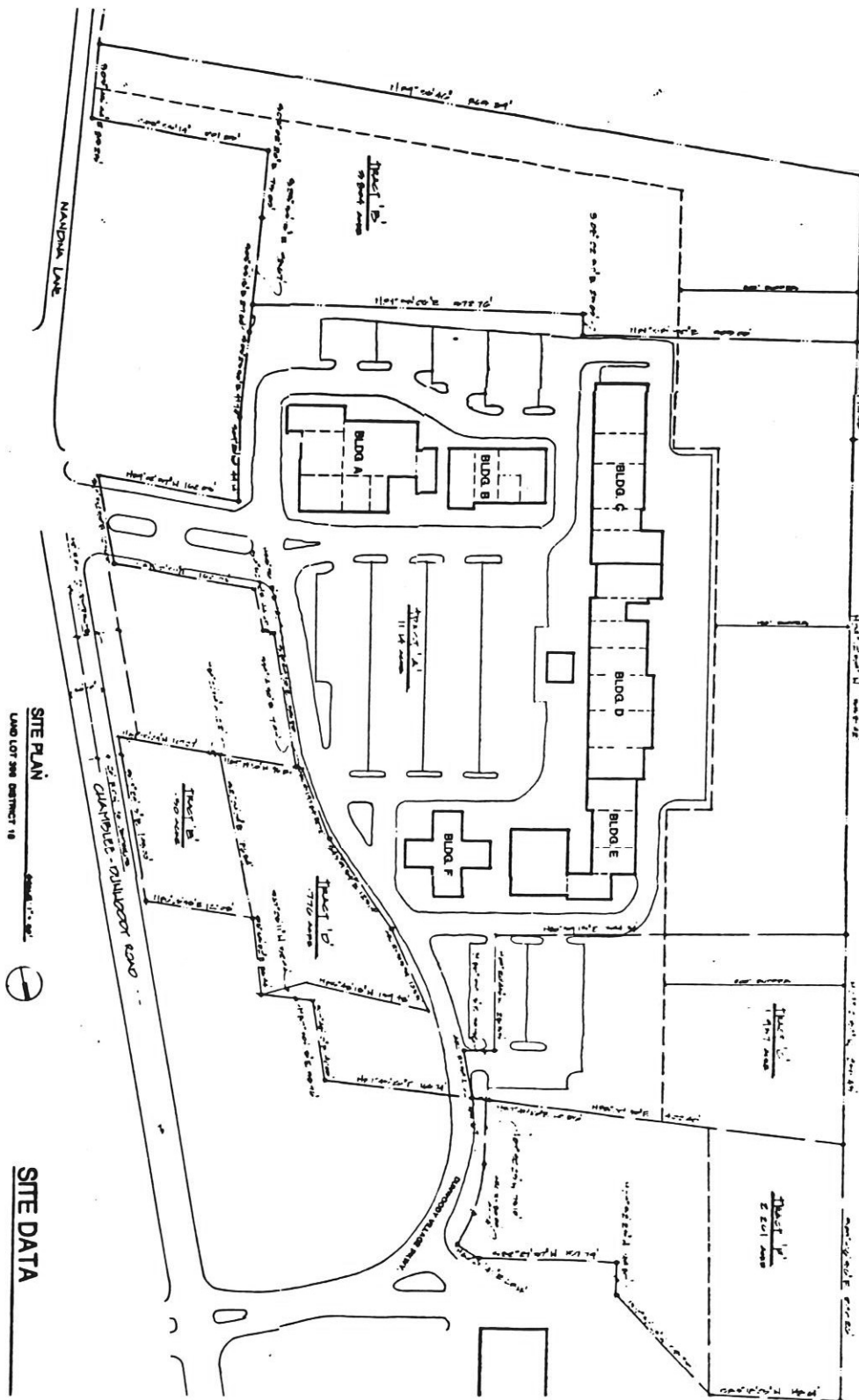
Opposition: None.

	FOR	AGAINST	ABSTENTION	ABSENT
DISTRICT 1 - Jean Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 2 - Sherry Schulman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 3 - John Evans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DISTRICT 4 - Robert J. (Bob) Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 5 - John S. Fletcher, Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AT-LARGE - Brince H. Manning, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AT-LARGE - Robert Lanier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING DEVELOPMENT

118

#12



SITE PLAN
LAND LOT 298 DISTRICT 18



SITE DATA

TOTAL BUILDING AREA 68,210 S.F.
TOTAL ACRES 20.418

NOTE: THERE ARE NO FLOOD PLANS LOCATED ON THESE SITES.

CZ-77105
 CZ-85016
 CZ-88036
 ALTERATION OF
 CONDITIONS

R-100

R-150

C-1

C-1

1-7

MEDICAL USE
 ORDER.
 40 93847
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 TO 46
 0 ISSUANCE

Packet page

EXHIBIT G

REV: 12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE January 22, 1985

REL.

ACTION

PUB.HRG.. X

CZ-85016
minutes
+
cards.

346

#8..

ITEM NO. 20

RESOLUTION

ORDINANCE X

PROCLAMATION

SUBJECT: Rezoning Application - William L. Wilson

DEPARTMENT: Planning

PUBLIC HEARING: X Yes No

ATTACHMENT: X Yes No 10 pp

INFORMATION CONTACT: Mac Baggett or Charles Coleman
PHONE NUMBER: 371-2155

PURPOSE: CZ-85016 - To consider the application of William L. Wilson to rezone property located on the west side of Dunwoody Village Parkway, approximately 340 west of Chamblee Dunwoody Road, from R-150 to C-1 (conditional). The application is conditioned by a list of conditions.

DISTRICT: X 1. 2. 3. 4. 5. N/A

SUBJECT PROPERTY: 18-366-1-10 (0000 Chamblee Dunwoody Road). The property has frontage of 171' and contains 2.27 acres.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval as amended. The proposal as amended is consistent with recommendations of the Comprehensive Plan and compatible with area zoning and development.

PLANNING COMMISSION: Approval.

AREA 1 COMMUNITY COUNCIL: Approval subject to applicant following all agreements and covenants.

#12

A) 5230 B) Zoning:
347 William L.
Wilson

C) Dunwoody
Village
Parkway/
Cham. Dun. Rd.

PAGE 2

FOR USE BY COMMISSION OFFICE/CLERK ONLY


ACTION:

MOTION was made by Commissioner Manning, seconded by Commissioner Fletcher, and passed 7-0, to approve the application as recommended by the Planning Department.

ADOPTED: JAN 24 1985
(DATE)

CERTIFIED: JAN 24 1985
(DATE)


PRESIDENT OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS


CLERK,
DEKALB COUNTY BOARD OF COMMISSIONERS

MINUTES:

No one appeared to speak in opposition.

	FOR	AGAINST	ABSTENTION	ABSENT
DISTRICT 1 - Jean Williams	✓			
DISTRICT 2 - Sherry Schulman	✓			
DISTRICT 3 - John Evans	✓			
DISTRICT 4 - Robert J. (Bob) Morris	✓			
DISTRICT 5 - John S. Fletcher, Jr.	✓			
AT-LARGE - Brince H. Manning, III	✓			
AT-LARGE - Robert Lanier	✓			

#12

CONDITIONS OF REZONING

William L. Wilson
Zoning Case No. CZ-85016

1. The property may be developed only for Retail, Commercial and Business Offices and/or Institutional purposes in accordance with these proposed conditions of rezoning.
2. Not more than 20,000 square feet of total floor area shall be constructed on the site.
3. Businesses such as pool halls, billiard parlors, amusement arcades, adult or pornographic bookstores, peep shows, or movies which would be offensive, noxious or detrimental to the community or use of the land in the vicinity shall not be carried on or permitted to be carried on within the property. Neither shall the operation of any restaurant create or emit cooking odors objectionable to land owners in the vicinity.
4. Improvements will be developed in the colonial architectural design comparable to the style and theme of the adjacent shops of Dunwoody and Dunwoody Hall and Dunwoody Village Shopping Centers.
5. The proposed structure will be faced with building materials which are comparable to or reasonable facsimiles of the building materials used in similar locations of the main portion of Dunwoody Village Shopping Center, except that less expensive materials may be utilized, at the developer's choice, in portions of the buildings which will not be exposed to either public view or adjacent homes.
6. The building height of the improvements shall not exceed two stories from grade level, except for towers where deemed necessary by the developers to maintain the proper design proportion.
7. The roofing shall meet the same design and building materials set forth in Paragraphs 4 and 5 above.
8. A one hundred and fifty foot "undisturbed buffer" will be maintained across the rear of the subject property adjacent to neighboring single family residential development. Said "undisturbed buffer" shall not prohibit the addition of plantings which may be added to the buffer property to reduce visual impact on adjacent homeowners, provided that no damage is done to existing foliage.
9. A six foot security fence, topped with multi-stranded barbed wire, will be placed at the grading contour line, prior to the beginning of building construction and planted with appropriate evergreen shrubs to provide additional screening protection to adjacent homeowner's. Such fence and plantings shall be permanently maintained by the developer in a good state of repair and shall not encroach upon the aforementioned buffer property.
10. All outside lighting shall be arranged and installed so as not to reflect or cause glare on adjacent properties. In no case will the total height of the lights be more than 25 feet from grade level. All lighting for the purposes of

EXHIBIT (A)

#20

#12

parking will be located to the front of the buildings. Any lighting located in the rear of the building shall be no more than 10 feet in height.

11. All garbage, trash and refuse generated by the operation of the development shall be stored in central "dumpster" type containers located in the area to the rear of the main structure and appropriately screened to be out of the view of surrounding neighbors and within 20 feet of the main structure.
12. Site development construction, except for the finishing of concrete, shall occur only between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday, except for unusual circumstances created by substantial inclement weather.
13. There shall be no curb cuts, entrances, or exits to the property, either now or in the future, except from Chamblee-Dunwoody Road and from the adjacent development via Dunwoody Village Parkway extension.
14. Neon or internally lighted signs shall not be used in the development.
15. All permanent retention ponds or facilities required for water runoff shall be constructed as underground facilities, located in the parking lot areas. Proper provision shall be made for handling water runoff during site construction, including silt and debris barriers to insure that nearby property owners or buffer property shall not be damaged in any way by such runoff.
16. Commercial truck traffic delivery shall be made during normal business hours and delivery vehicles will be parked only for the time necessary to perform delivery and will be promptly removed thereafter.
17. No business in the development shall operate or be open past midnight on any day, except for any restaurant or theater operation.

#20

#12

EXHIBIT H

CZ-88036
Minutes

682

12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE February 23, 1988

PREL.	___
ACTION	___
PUB.HRG.	<u>X</u>

ITEM NO.	<u>16.</u>
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RESOLUTION	___
ORDINANCE	<u>X</u>
PROCLAMATION	___

SUBJECT: Rezoning Application - Donald R. and Hilda A. Wiggs

DEPARTMENT: Planning

PUBLIC HEARING:	<u>X</u> Yes	___ No
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ATTACHMENT:	<u>X</u> Yes	___ No	<u>6</u> pp
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INFORMATION CONTACT:	Mac Baggett or Charles Coleman
PHONE NUMBER:	371-2155

cc

PURPOSE: CZ-88036 - To consider the application of Donald R. and Hilda A. Wiggs to rezone property located on the southwest side of Chamblee Dunwoody Road, approximately 400' southeast of Dunwoody Village Parkway, from R-150 to C-1 (conditional). The application is conditioned on use of the property for a florist and gift shop.

DISTRICT: X 1. ___ 2. ___ 3. ___ 4. ___ 5. ___ N/A

SUBJECT PROPERTY: 18-366-1-2 (5500 Chamblee Dunwoody Road). The property has frontage of 196' and contains .5 acre.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval with condition. The request is consistent with recommendations of the Comprehensive Plan and compatible with area zoning. Staff supports the rezoning application subject to approval of access and road improvements as may be required by the Public Works Department.

PLANNING COMMISSION: Approval per staff.

COMMUNITY COUNCIL: Approval subject to having only one curb cut and the buildings to be renovated in a manner compatible with the adjoining renovated building.

#12

A) 5230 B) Zoning C) Chamblee
Appl. Dunwoody Rd.,
Wiggins Dunwoody
683 Village Pkwy.

PAGE

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Williams, seconded by Commissioner Schulman, and passed 5-0-0, to approve the application as recommended by the Planning Department.

Commissioner Fletcher out of the room and not voting.
(Commissioner Evans absent due to wife's illness)

ADOPTED: FEB 23 '88
(DATE)

CERTIFIED: FEB 23 '88
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,
DEKALB COUNTY BOARD OF COMMISSIONERS

MINUTES:

Mr. James Anthony, 365 Saddle Lake Drive, Roswell, represented the applicant.

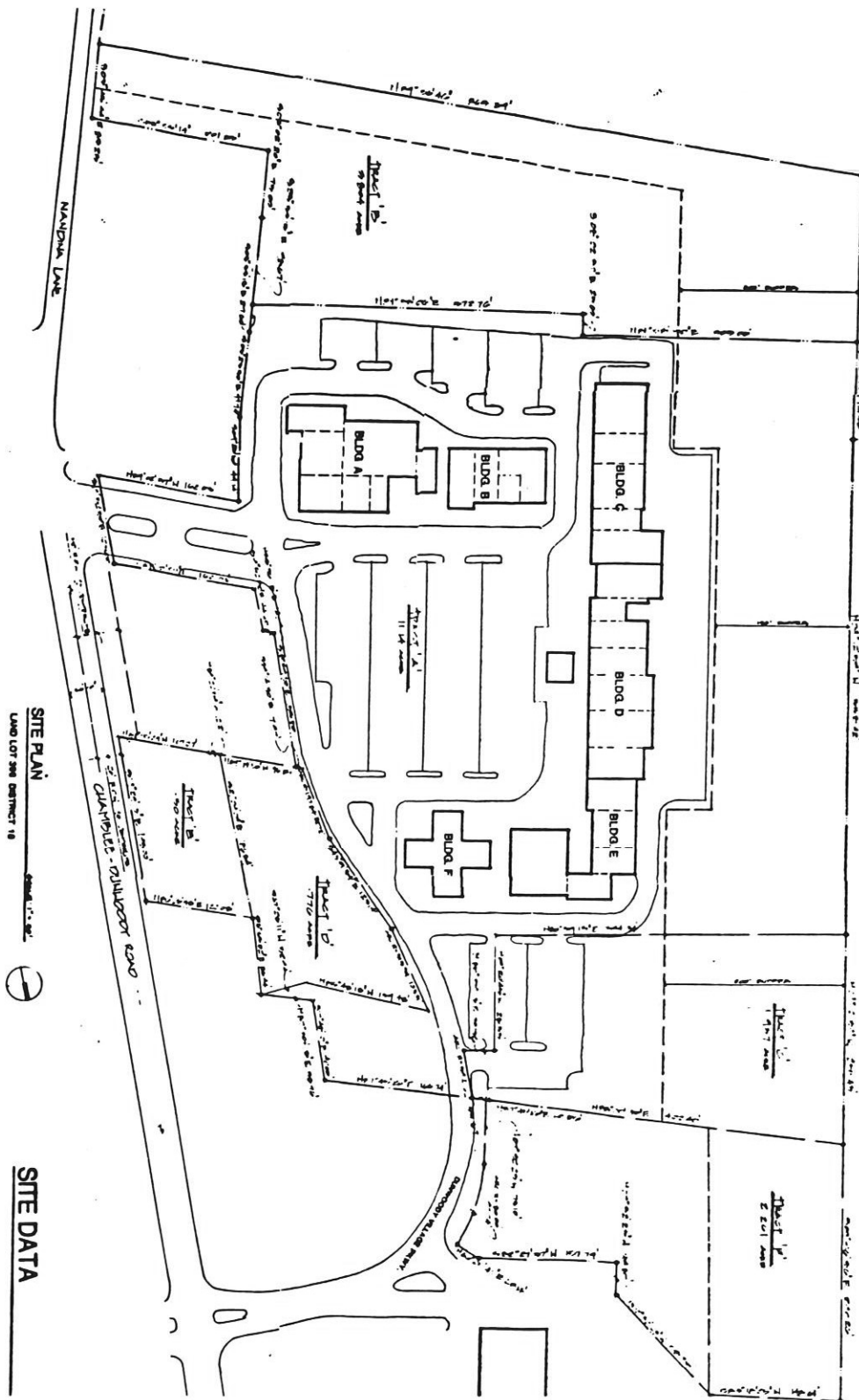
Opposition: None.

	FOR	AGAINST	ABSTENTION	ABSENT
DISTRICT 1 - Jean Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 2 - Sherry Schulman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 3 - John Evans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DISTRICT 4 - Robert J. (Bob) Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 5 - John S. Fletcher, Jr.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AT-LARGE - Brince H. Manning, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AT-LARGE - Robert Lanier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXISTING DEVELOPMENT

118

#12



SITE PLAN
LAND LOT 200 DISTRICT 18



SITE DATA

TOTAL BUILDING AREA 68,210 S.F.
TOTAL ACRES 20.418

NOTE: THERE ARE NO FLOOD PLANS LOCATED ON THESE SITES.

CZ-77105
 CZ-85016
 CZ-88036
 ALTERATION OF
 CONDITIONS

R-100

R-150

C-1

C-1

1-7

6
TO F. J.
ISSUANCE

0

NO. 93847
NO. 93910
S
NO. 27 ACZ

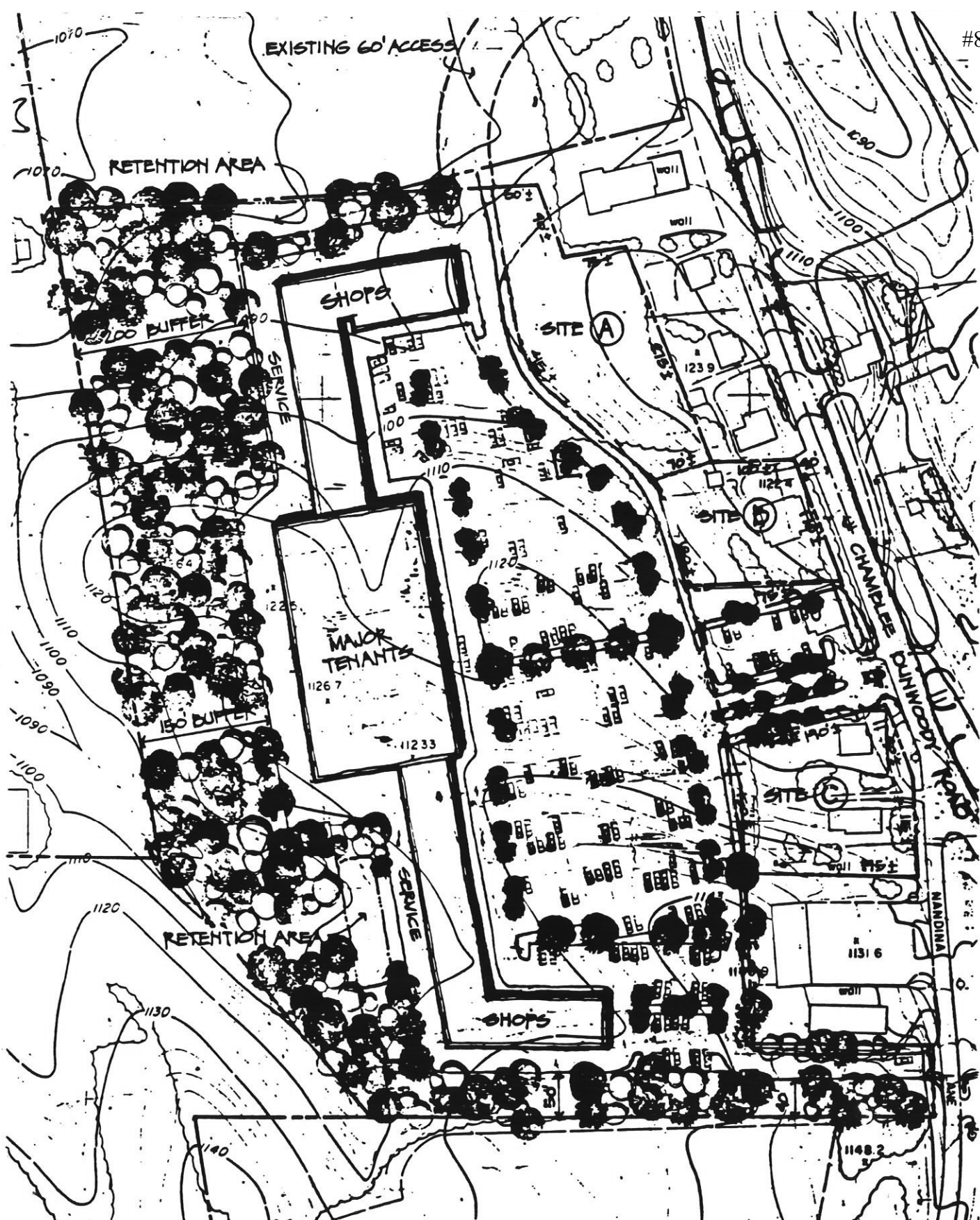
MERICAL USE
ORDER.

Packet page

EXHIBIT I

Rezoning and Land Use Decisions
March 26, 1991

1. General Mills Restaurants, Inc. - CZ-91011 - approved C-1 for a restaurant based on the following conditions:
 1. The property is developed in accordance with the attached site plan submitted by the applicant.
 2. Access to be approved by Georgia DOT.
12. Trevor A. Waldemar - Z-91017 - Approved OI.
13. Jolly Development Corp., Inc., - LP-91008 - Denied.
14. Jolly Development Corp., Inc., - CZ-91010 - Withdrawn without prejudice.
15. Mrs. Martha Barry Smith - CZ-91013 - Approved C-1 subject to the following conditions:
 1. Current structures may be used but only in compliance with state and local codes.
 2. Access is limited to one point unless changes are approved by Georgia DOT and DeKalb Public Works.
16. Edwin T. Elliott, Jr., - CZ-86135 - Approved the alteration of conditions to remove all conditions of zoning.
7. Michelle Neary - CZ-84215 - Denied the alteration of conditions.
18. Shops of Dunwoody - CZ-77105 & CZ-88036 - Approved the alteration of conditions based on the attached site plan.



- TOTAL AREA IN BUFFER - 4.7 ACRES ±
- TOTAL FL. AREA IN CENTER - 92,000 SQ. FT.
- PARKING @ 5.5 CARS/1000 SQ. FT. - 506 CARS

APPROVED PLAN
CZ-77105

#18

From: [REDACTED]
To: [Dunwoody Zoning Board of Appeals](#)
Cc: [REDACTED]
Subject: Dog Day Care
Date: Thursday, August 12, 2021 12:37:20 PM

Caution: External Message

To whom it may concern,

After reading in the news that the shops of Dunwoody are in a plan for re-zoning I became very concern.

My fur baby Bella is a camper at Camp Run A Mutt which is like her second home for her.

Bella is a rescue dog that in the past experienced a lot of abuse by bad people. As a result, she became

Very frightened and did not trust anybody. After we adopted her it took some time to develop connection.

With the help of Camp Run A mutt and their wonderful staff, Bella became more trusting and playful.

It took me a while to find the right place for Bella. Camp Run A Mutt is a unique place that allow dogs to

Be cage free and to develop friendship with other dogs. There is no other place like that.

Having this jewel of a place in Dunwoody is life saving for fur babies and their families.

I hope that in your planning to re-zone you are not considering to move our second home from The Shops

Of Dunwoody. Camp Run A mutt is located at a perfect place and needs to stay where it is.

Than you,

Esti and Bella Blue