

4800 Ashford Dunwoody Road Dunwoody, GA 30338 Phone: (678) 382-6800 dunwoodyga.gov

### **MEMORANDUM**

To: Mayor and City Council

From: Madalyn Smith, Senior Planner

Date: February 14, 2022

Subject: RZ 21-03 – 600 Ashwood Parkway, Parcel ID# 18 349 01 048

#### REQUEST

Branch Ashwood Associates, L.P. seeks a major modification of zoning conditions at 600 Ashwood Parkway.

### APPLICANT AND PROPERTY OWNER

Petitioner: Branch Ashwood Associates, L.P.

Owner: Branch Ashwood Associates, L.P. (Dunwoody Development Authority)

### **PLANNING COMMISSION 12.14.21 & 1.11.22**

Planning Commission held a public hearing regarding the case on December 14, 2021. There were no public comments in opposition to the application. Following discussions, the Planning Commission voted to defer the case to the January 11, 2022 meeting to allow staff and the applicant additional time to discuss the conditions related to the ATM location and required storefront entrances.

At the January 11, 2022 Planning Commission meeting, the Commission voted to recommend approval of RZ 21-03 subject to staff conditions.

### **APPLICATION AMENDMENT SUBMITTED 2.2.22**

The applicant submitted an amendment on February 2, 2022. This amendment removed a drive-through ATM, in accordance with staff's recommendation. The conditions presented to the Planning Commission were updated to reflect this change to the applicant's site plan.

### **MAYOR AND CITY COUNCIL, 2.14.22**

City Council held a public hearing regarding the case on February 14, 2022. There were no public comments in support nor opposition to the application.

The applicant was asked to provide an updated landscape plan, additional bike parking, a lot coverage calculation, and information regarding sight distance at the proposed dumpster. Concerns were also raised regarding the activation of the proposed patio spaces.

In response, the applicant submitted additional materials for review and staff amended the proposed conditions.

### **APPLICATION AMENDMENT SUBMITTED 2.18.22**

- Letter to the Mayor and City Council, dated February 18, 2022
- Site Plan, dated February 17, 2022

Shows 4 bike parking spaces at building F and additional parking between Building D & C and location of stop sign and stop bar at the proposed dumpster location.

• Planting Plan, dated January 31, 2022
Updated planting plan reflects the current site layout.

#### MAYOR AND CITY COUNCIL, 2.28.22

City Council reviewed the case on February 28, 2022. There were no public comments in support nor opposition to the application.

The applicant was asked to provide a plan to improve pedestrian circulation and concerns were raised regarding the entrances facing Ashwood Parkway.

In response, the applicant submitted additional materials and suggested conditions.

### **APPLICATION AMENDMENT, SUBMITTED MARCH 4, 2022**

### • Proposed Amendments to the Conditions

- O Proposed amendment to condition #24 (proposed change underlined):

  Building F on the Parcel Site Plan (see Exhibit A) shall have glass doors that face

  Ashwood Parkway for each tenant. The glass doors facing Ashwood Parkway for all

  eating and drinking establishments in Building F shall be accessible to the general

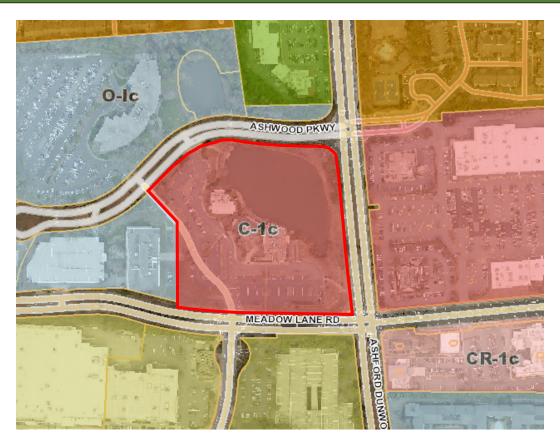
  public and shall be open during the respective tenants' business hours.
- Condition #27 to change to:
   The corner patio spaces at Building F shall be activated with outdoor seating and accessible to the general public, unless reserved for exclusive use by an eating and drinking establishment
- New condition #28 no longer necessary as the new walkway is shown on the attached site plan

### • Site Plan, dated March 4, 2022

o Shows new sidewalk connections to a crosswalk located on the subject site.

Staff has amended the condition 27 to reflect the language requested by the applicant and added condition 28 to formalize the proposed sidewalk connection and crosswalk. There are two options for condition #24, which relates to the doors facing Ashford Dunwoody. The applicant suggests language (see above) that would only require entrances for eating and drinking establishments be open during business hours. The other option would be to require that all doors regardless of the tenant be open during business hours.

### **BACKGROUND & PROPOSED DEVELOPMENT**



The subject property is located at the northwest corner of the Ashford Dunwoody Road and Meadow Lane intersection. The 10.1 acre parcel and currently Perimeter Center Marketplace is under construction at the site, which includes a 25,440 square foot anchor supermarket, an 8-pump (16 fueling positions) gas station/convenience store, a 2,800 square foot medical/office/retail building, and 35,400 square feet of restaurant and retail space.

The site was initially rezoned in 1996, case CZ 96035, from Office-Institutional (O-I) District to Commercial Conditional (C-1c) District to allow a 28,900 SF retail development; this proposal was built out with three restaurants and large detention pond. In 2019, the applicant amended the zoning conditions, case MA 19-01, to allow the Perimeter Marketplace development described above. The site plan associated with MA 19-01 intentionally left a 1.5 acre tract blank, highlighted in yellow on Figure 1, with the understanding that the applicant would amend the conditions of zoning once a proposal was developed for the parcel. The applicant was also granted a variance, ZBA 19-11, to reduce the front yard setback from 50 feet to 0 feet. The applicant then further amended the zoning conditions, case MA 19-03, to replace a bank use on the property with a medical/office/retail use.

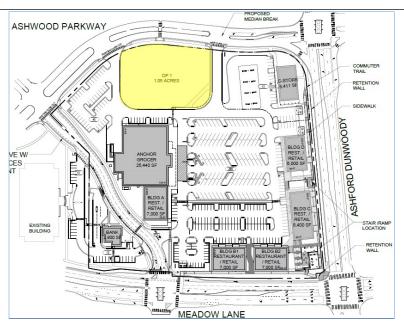


Figure 1. Site plan associated with MA 19-01

An applicant-initiated meeting was held on October 27, 2021 at 6 pm at 4505 Ashford Dunwoody Road. There were a total of five attendees. The applicant has provided a summary report, which is included within the rezoning application packet attached to this report.

### SITE PLAN ANALYSIS

The applicant proposes that a single-story, 8,400 SF building be constructed on the 1.5 acre tract that was previously left blank on the site plan for MA 19-01. There are no changes proposed outside of this tract, highlighted in yellow in Figure 2.

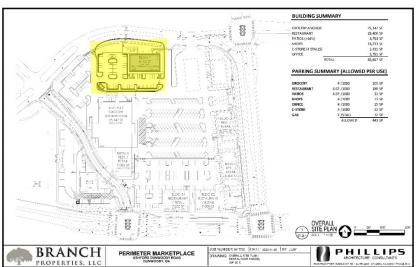
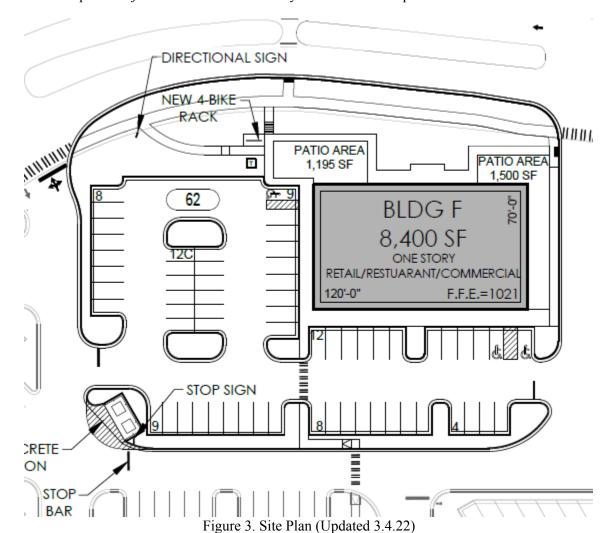


Figure 2. Area of proposed amendment highlighted in yellow The 1.5 acre tract is located on the northern portion of the property, adjacent to Ashwood Parkway. Despite having a 0 foot setback, the building is setback approximately 25 feet from the northern property line due to the presence of several underground utilities. In addition to the building, the

applicant proposes 62 new parking spaces—443 spaces overall for the development—a walk up ATM, and two outdoor patios (see Figure 3). The area under consideration is overparked at 62 spaces, the maximum for an 8,400 SF building is 56 spaces, but the overall site does not exceed the parking requirements. Although the building is setback further from the road than the buildings B-D, there are two outdoor patios adjacent to Ashwood Parkway that activate the space.



The building is designed in proximity to Ashwood Parkway, in line with the vision of a more urban form in the Perimeter Center. There will be customer entrances to tenant spaces on both the northern and southern façades. The submitted elevations indicate that the most prominent façade materials will be glass and brick (see Figure 4).



Direction	Zoning	Use	Current Land Use
N	O-I and N-S	Shopping Center and Office Building	Commercial/Office
S	OCR	Shopping Center and Office Building	Commercial/Office
Е	C-1	Restaurants and Shopping Center	Commercial
W	O-I	Office Building	Office

### ZONING AMENDMENT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-335 identifies criteria for evaluating applications for zoning amendments. No application for an amendment shall be granted by the City Council unless satisfactory provisions and

arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
  - The scope of the request is limited to the referenced 1.5 acre tract. The proposed restaurant/retail building conforms to the character of the current development and conforms with the standards of the Perimeter Center Overlay.
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
  - An additional restaurant/retail building is in line with the Perimeter Marketplace development which includes a grocery store, restaurants, retail, and office. It is also compatible with the adjoining mix of office, retail, restaurants, and shopping centers nearby.
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
  - The area of the site in question was intentionally left blank in 2019 to give the applicants flexibility and time to determine the best economic use for the site. Granting changes to the conditions that support a restaurant/retail building would allow the applicant to meet today's market conditions.
- (4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
  - The proposed change of use will not create any adverse impacts on adjoining land uses as adjacent and nearby properties have similar commercial and office operational characteristics.
- (5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
  - As stated above, in 2019 the applicant did not propose a specific use for this 1.5 acre tract to allow them to respond to changing market demands.
- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
  - There are no historic, buildings, sites, districts, or archeological resources.
- (7) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
  - The proposed change is relatively small and will not significantly further the burden on streets, transportation facilities, utilities, or schools.

#### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

The proposal is recommended for approval based on the following exhibits and conditions. The previous conditions from cases MA 19-01 and MA 19-03 remain intact, but are updated to reflect requirements for Building F:

EXHIBIT A: Schematic Site Plan SP35, completed by Philips Partnership, dated May 29, 2019, as amended by Zoning Site Plan, dated November 4, 2019, and further amended by the Overall Site Plan and Parcel Site Plan SP-38.4, dated March 4, 2022.

EXHIBIT B: Streetscaping Sections, completed by Phillips Partnership, dated December 4, 2018 and Streetscape Section for Ashford Dunwoody Road dated January 14, 2019

EXHIBIT C: Rendering of Archway Sign and Grocer Free-standing Letters Sign, dated April 25, 2019

EXHIBIT D: Conceptual Gateway Plaza Plan, completed by AJC Design Group, dated April 24, 2019

EXHIBIT E: Left Turn Lane Concept, completed by A&R Engineering, dated April 17, 2019

EXHIBIT F: Meadow Lane Intersection, completed by Philips Partnership, dated May 13, 2019

EXHIBIT G: Building F Planting Plan, completed by AJC Design Group, dated January 31, 2022

EXHIBIT H: Perimeter Marketplace – Bldg. F Colored Elevations, completed by Branch, dated January 31, 2022.

- 1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;
- 2. The property labeled "BLDG E" on the Zoning Site Plan dated November 4, 2019 in Exhibit A shall contain a street facing entrance that stays open during business hours. BLDG E may have a drive-through for a medical service office use only. Drive-throughs for retail, restaurant or other commercial uses are not allowed. If a new tenant were to occupy the building after a medical service office use vacates the building, the drive-through window shall be removed and a 6-foot landscape strip shall replace a portion of the drive-through lane found immediately adjacent to the building prior to the the issuance of a Certificate of Occupancy;
- 3. The drive-thru shall be limited only to medical service office use;
- 4. The owner shall construct the streetscaping and commuter trail in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works and Community Development Department. If the width of the commuter trail is reduced by Public Works the location of the footprints of the buildings shall remain in the same vertical and horizontal location as shown on the Schematic Site Plan;
- 5. The owner shall construct a 12-foot wide pedestrian connection, including a 6-foot pedestrian sidewalk and two 3-foot wide landscape strips, from Ashford Dunwoody Road, between buildings C and D, to Building A as illustrated on Exhibit A. The landscape strips shall include overstory trees planted on each side at no more than 50 and no less than 25 feet:
- 6. Buildings shall be designed with 360-degree architecture with the exception of the rear of Building A and the anchor grocer, which shall be subject to reasonable landscape screening as approved by the City Arborist;
- 7. Major façade materials shall include brick, stone, hard coat stucco and glass, with other high-quality materials approved by the Community Development Director during the permit review process;
- 8. Synthetic stucco (EIFS) material shall be limited to accenting material; masonry brick or stone veneer materials are allowed; stamped brick and stone EIFS or imitation masonry veneer materials shall be prohibited;

- 9. All loading facilities and trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid brick wall or opaque fence at least six feet in height or the height of the dumpster. The approach to the loading facilities and trash/recycling enclosures for the anchor grocer and Building A does not need to be screened from view of Ashwood Parkway;
- 10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
- 11. All utilities servicing the site shall be underground with the exception of required above-ground elements, such as transformers and cable boxes;
- 12. Any stormwater detention facility will be underground;
- Within sixty days after the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk and bicycle improvements, located along Ashford Dunwoody Road. The City will maintain the sidewalk and bicycle improvements. Such conveyance shall be via right of way deed. The exact legal description of the property to be conveyed shall be prepared by the Owner and agreed to by the City;
- 14. Within sixty days after the issuance of certificates of occupancy, the Owner will convey a permanent public access easement to the City for the new roadway and sidewalks to be constructed on the west side of the site. Owner may convey the new roadway and sidewalks via right of way deed at a future date at which point the City shall accept such conveyance. The exact legal description of the property to be conveyed shall be prepared by the Owner and agreed to by the City;
- The development is entitled to a total of four monument signs, one on each road frontage. The allowed square footage of 144 square feet for the monument sign for Ashford Dunwoody Road may be divided into two structures as follows: 1) an archway connecting Building B and Building C in general conformity with the renderings in Exhibit C and; 2) freestanding letters indicating the name of the anchor grocer mounted on top of the Plaza wall up to a total maximum height of 5 feet in general conformity with the rendering in Exhibit D. In addition, the Archway sign may include a 42 square foot wayfinding sign labeled as "Sign A" as shown in Exhibit C.;
- 16. The commuter trail, streetscaping, and new road connection, shall be developed concurrently with the grocery store and retail/restaurant buildings C and D, fronting Ashford Dunwoody Road:
- 17. The ground story restaurant/retail uses of buildings adjacent to Ashford Dunwoody Road shall be built within three feet of vertical elevation of the adjacent commuter trail and have entrances that face Ashford Dunwoody Road as follows: buildings containing one tenant shall have a minimum of one entrance; buildings containing two or more tenants shall have a minimum of two entrances;
- 18. The Gateway Plaza, located on the corner of Meadow Lane Road and Ashford Dunwoody Road will be in general conformity with the Conceptual Gateway Plaza Plan attached as Exhibit C. Within sixty days after the issuance of certificates of occupancy, the Plaza area general public access will be granted to the Plaza through a public access easement to the benefit of the City;
- 19. The owner shall be responsible for the maintenance of the Plaza;
- 20. In accordance with the recommendation of the traffic study, a westbound left turn lane shall be added on Ashwood Parkway at the easternmost driveway entrance to the development in general conformity with Exhibit E;
- 21. Based on projected queue length, an eastbound left turn lane shall be installed at Ashwood Parkway and Ashford Dunwoody Road using existing signal phasing and in general conformity with Exhibit E. Applicant will not be responsible for any signal work; and

- A southbound right turn lane shall be added at the intersection of Perimeter Center Place and Meadow Lane Road using existing signal phasing and in general conformity with Exhibit F. Applicant will not be responsible for any signal work;
- 23. The owner will contribute up to thirty-three percent (33%) of the funds needed to extend the northbound left turn lane from Ashford Dunwoody Road on to Meadow Lane Road. In no event shall the total of such contribution exceed \$33,000;
- 24. Building F on the Parcel Site Plan (see Exhibit A) shall have glass doors that face Ashwood Parkway for each tenant. These doors must be open and accessible to the general public during business hours;
- 25. On Building F, 100% of the required street-facing window pane surface area (15% window coverage is required per story on all street facing façades) must allow viewing into the tenant space for a minimum of 5 feet in depth. Windows must not be made opaque by non-operable window treatments such as walls;
- 26. The development site is limited to two walk-up ATMs, located at the "Anchor Grocer" and the west façade of Building F (see Exhibit A). No drive-through ATMs are permitted;
- 27. The corner patio spaces at Building F shall be activated with outdoor seating and accessible to the general public, unless reserved for exclusive use by an eating and drinking establishment.
- 28. The development site for Building F shall include a north-south, direct pedestrian connection, including walkways and a crosswalk, as shown on the Parcel Site Plan SP-38.4 (Exhibit A).

#### **ATTACHMENTS**

- EXHIBIT A: Schematic Site Plan SP35, completed by Philips Partnership, dated May 29, 2019, as amended by Zoning Site Plan, dated November 4, 2019, and further amended by the Overall Site Plan and Parcel Site Plan SP-38.4, dated March 4, 2022.
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- EXHIBIT H: Perimeter Marketplace Bldg. F Colored Elevations, completed by Branch, dated January 31, 2022.
- RZ 21-03 Application
- RZ 21-03 Application Amendments Received February 2, 2022
- RZ 21-03 Application Amendments Received February 18, 2022
- RZ 21-03 Application Amendments Received March 4, 2022
- Ordinance

### STATE OF GEORGIA CITY OF DUNWOODY

### ORDINANCE 2022- -

AN ORDINANCE TO AMEND THE ZONING CONDITIONS OF LAND LOTS 352, AND 349, District 18 IN CONSIDERATION OF ZONING CASE RZ-21-03 (600 Ashwood Parkway).

WHEREAS: Branch Ashwood Associates, L.P., owner of 600 Ashwood Parkway,

Dunwoody, Georgia seeks a major modification to conditions of zoning;

AND

WHEREAS: The properties, consisting of tax parcel number 18-349-01-048,

contains 10.6 acres land located in the northwest corner of Ashford

Dunwoody Road and Meadows Lane; and

WHEREAS: The site is currently conditioned to a site-specific plan from 2019 that

restricts the use to a 25,440 square foot anchor supermarket, an 8-pump (16 fueling positions) gas station/convenience store, a 2,800 square foot bank, and 35,400 square feet of restaurant and retail space (MA 19-01 & MA 19-03). Through the application of a modification to conditions (Section 27-361), Branch Ashwood Associates, L.P. is requesting that the conditioned 2019 site plan be updated with the new

plan; and

WHEREAS: The proposed amendment adds an additional 8,400 square feet of

additional restaurant retail space and new parking; and

WHEREAS: Notice to the public regarding said modification to conditions of zoning

has been duly published in The Dunwoody Crier, the Official News Organ

of the City of Dunwoody; and

WHEREAS: A public hearing was held by the Mayor and City Council of the City of

Dunwoody as required by the Zoning Procedures Act; and

WHEREAS: The Mayor and City Council find that the proposed use aligns with the

Perimeter Center Character Area of the Dunwoody Comprehensive Plan, which calls for, among others, creative building and site design that encourages bikeable and walkable development which furthers the transportation goals of modality (other than by automobile) and

connectivity of the Perimeter Center Neighborhood; and

**NOW THEREFORE,** The Mayor and City Council of the City of Dunwoody hereby **ORDAIN AND APPROVE** the modification of zoning conditions on tax parcel numbers and 18-349-01-048 as follows:

EXHIBIT A: Schematic Site Plan SP35, completed by Philips Partnership, dated May 29, 2019, as amended by Zoning Site Plan, dated November 4, 2019, and further amended by the Overall Site Plan and Parcel Site Plan SP-38.4, dated March 4, 2022.

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#### ORDINANCE 2022- -

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- 3. The drive-thru shall be limited only to medical service office use;
- 4. The owner shall construct the streetscaping and commuter trail in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works and Community Development Department. If the width of the commuter trail is reduced by Public Works the location of the footprints of the buildings shall remain in the same vertical and horizontal location as shown on the Schematic Site Plan;
- 5. The owner shall construct a 12-foot wide pedestrian connection, including a 6-foot pedestrian sidewalk and two 3-foot wide landscape strips, from Ashford Dunwoody Road, between buildings C and D, to Building A as illustrated on Exhibit A. The landscape strips shall include overstory trees planted on each side at no more than 50 and no less than 25 feet;
- 6. Buildings shall be designed with 360-degree architecture with the exception of the rear of Building A and the anchor grocer, which shall be subject to reasonable landscape screening as approved by the City Arborist;
- 7. Major façade materials shall include brick, stone, hard coat stucco and glass, with other high-quality materials approved by the Community Development Director during the permit review process;
- 8. Synthetic stucco (EIFS) material shall be limited to accenting material; masonry brick or stone veneer materials are allowed; stamped brick and stone EIFS or imitation masonry veneer materials shall be prohibited;
- 9. All loading facilities and trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid brick wall or opaque fence at least six feet in height or the height of the dumpster. The approach to the loading facilities and trash/recycling

### STATE OF GEORGIA CITY OF DUNWOODY

#### ORDINANCE 2022- -

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- 10. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from view from public right-of-way within 200 feet;
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- 19. The owner shall be responsible for the maintenance of the Plaza;
- 20. In accordance with the recommendation of the traffic study, a westbound left turn lane shall be added on Ashwood Parkway at the easternmost driveway entrance to the development in general conformity with Exhibit E;

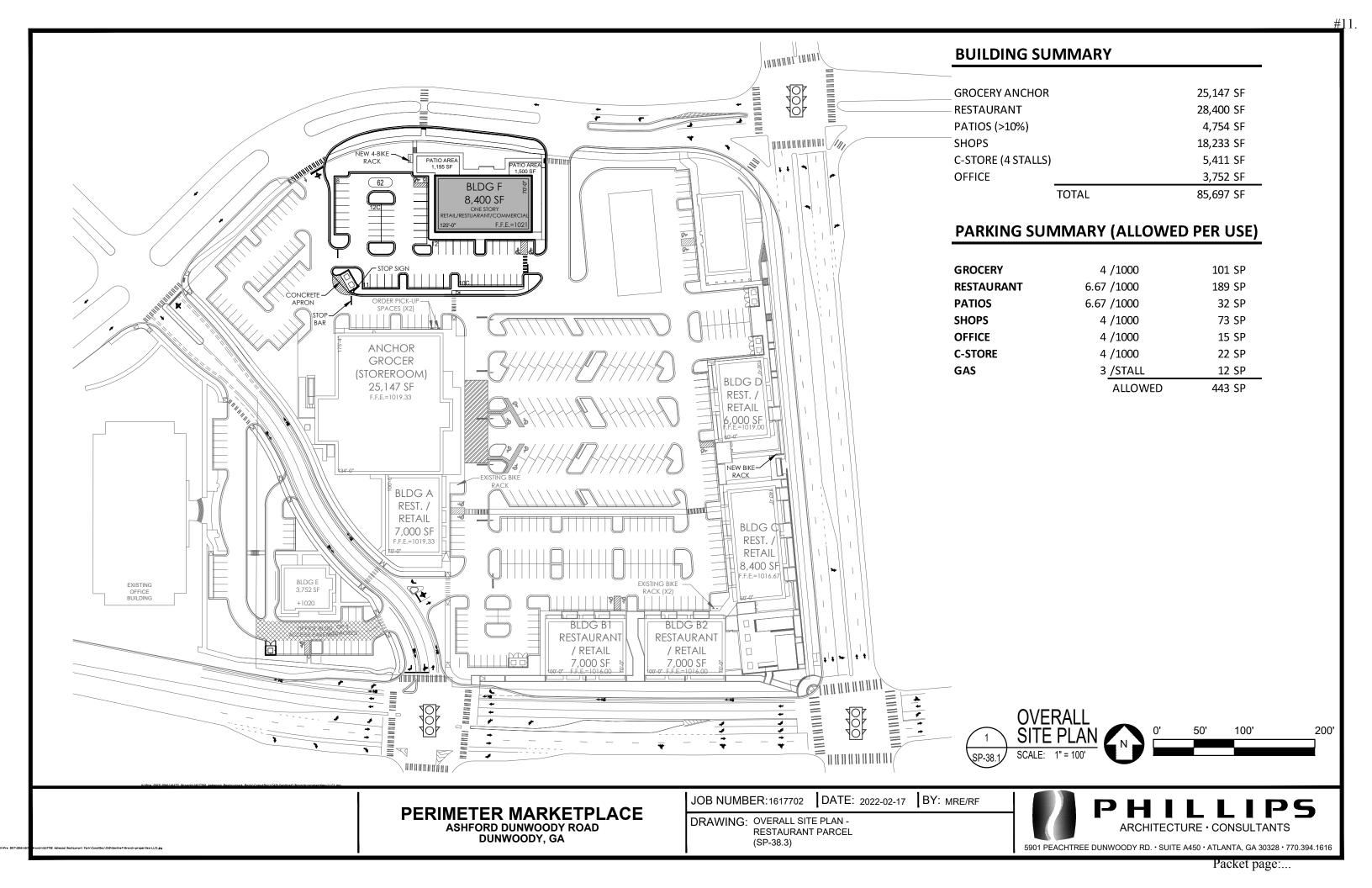
### STATE OF GEORGIA CITY OF DUNWOODY

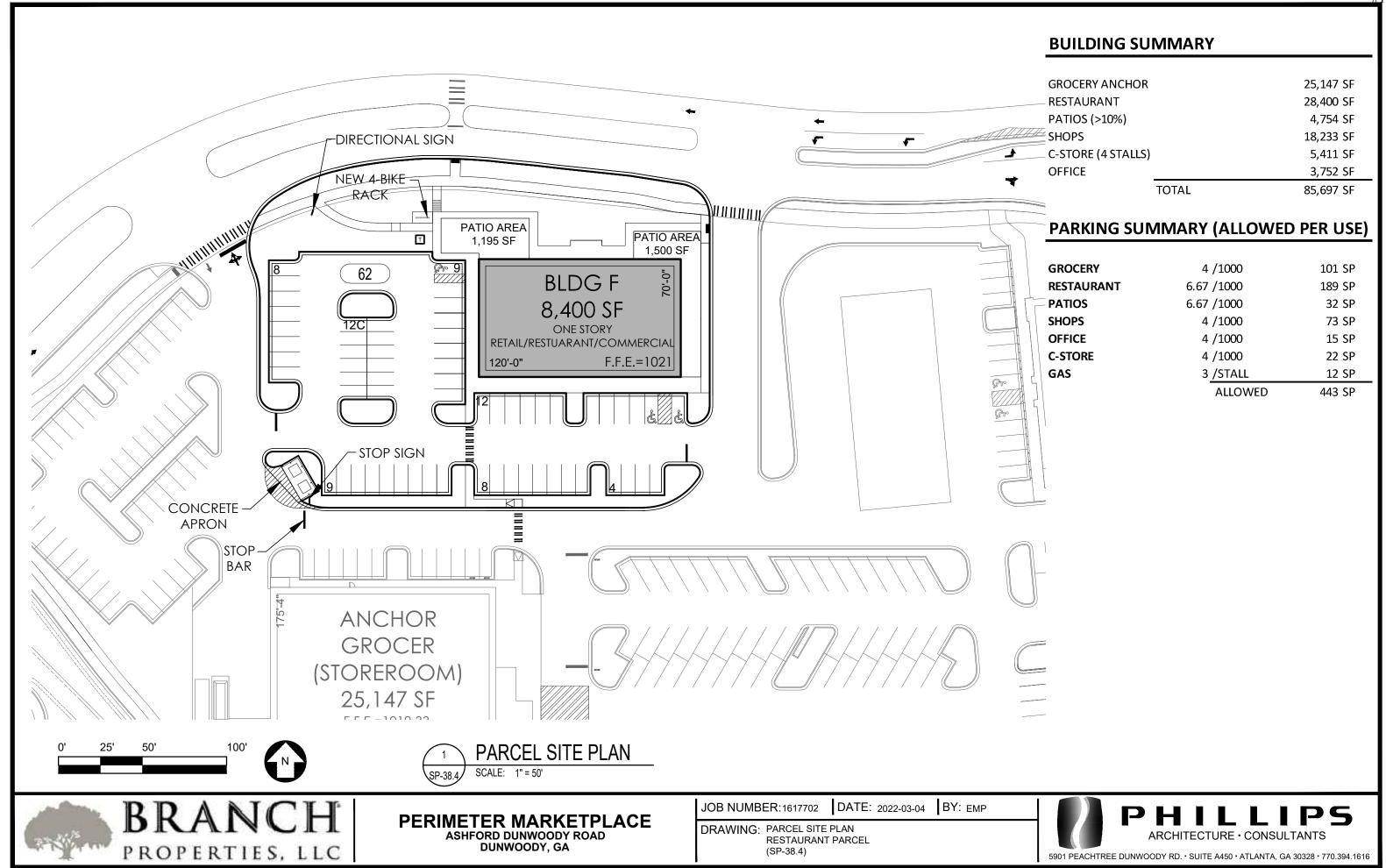
### ORDINANCE 2022- -

- 21. Based on projected queue length, an eastbound left turn lane shall be installed at Ashwood Parkway and Ashford Dunwoody Road using existing signal phasing and in general conformity with Exhibit E. Applicant will not be responsible for any signal work; and
- A southbound right turn lane shall be added at the intersection of Perimeter Center Place and Meadow Lane Road using existing signal phasing and in general conformity with Exhibit F. Applicant will not be responsible for any signal work;
- 23. The owner will contribute up to thirty-three percent (33%) of the funds needed to extend the northbound left turn lane from Ashford Dunwoody Road on to Meadow Lane Road. In no event shall the total of such contribution exceed \$33,000;
- 24. Building F on the Parcel Site Plan (see Exhibit A) shall have glass doors that face Ashwood Parkway for each tenant. These doors must be open and accessible to the general public during business hours;
- 25. On Building F, 100% of the required street-facing window pane surface area (15% window coverage is required per story on all street facing façades) must allow viewing into the tenant space for a minimum of 5 feet in depth. Windows must not be made opaque by non-operable window treatments such as walls;
- 26. The development site is limited to two walk-up ATMs, located at the "Anchor Grocer" and the west façade of Building F (see Exhibit A). No drive-through ATMs are permitted;
- 27. The corner patio spaces at Building F shall be activated with outdoor seating and accessible to the general public, unless reserved for exclusive use by an eating and drinking establishment.
- 28. The development site for Building F shall include a north-south, direct pedestrian connection, including walkways and a crosswalk, as shown on the Parcel Site Plan SP-38.4 (Exhibit A).

**SO ORDAINED AND EFFECTIVE,** this the \_\_\_\_ day of \_\_\_\_\_, 2022.

Approved by:	Approved as to Form and Content
Lynn P. Deutsch, Mayor	City Attorney's Office
Attest:	
Sharon Lowery, City Clerk	SEAL





PLANT SCH	HEDULE BLDG F					
TREES AA	BOTANICAL / COMMON NAME Amelanchier arborea `Autumn Brilliance` / Downy Serviceberry MULTI-TRUNK; 4` C.T.; FULL AND HEALTHY; WELL BRANCHED; MATCHED	CAL -	SIZE 12-14` Height	CONT B&B		QTY 3
LA	Liriodendron tulipifera `Arnold` / Arnold Tulip Poplar 4` C.T.; FULL AND HEALTHY; WELL BRANCHED; MATCHED	4" Cal.		В&В		4
PO	Prunus x okame / Okame Cherry 4` C.T.; FULL AND HEALTHY; WELL BRANCHED; MATCHED	3" Cal.		B&B		3
QL	Quercus lyrata / Overcup Oak 6` C.T.; FULL AND HEALTHY; WELL BRANCHED; MATCHED	4" Cal.		B&B		9
QN	Quercus nuttallii / Nuttall Oak 6` C.T.; FULL AND HEALTHY; WELL BRANCHED; MATCHED	4" Cal.		B&B		4
TE2	Thuja occidentalis 'Emerald' / Emerald Arborvitae	-	6` Min. Height	B&B		9
SHRUBS AF	BOTANICAL / COMMON NAME Azalea indica `Formosa` / Formosa Azalea NURSERY GROWN: FULL AND HEALTHY; MATCHED	CONT 3 Gal.	SIZE			41
СК	Calamagrostis x acutiflora `Karl Foerster` / Feather Reed Grass NURSERY GROWN.; FULL AND HEALTHY; MATCHED	1 Gal.				32
HL	Hydrangea paniculata `Little Lime` / Little Lime Hydrangea NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				16
IB	llex cornuta `Burfordii Nana` / Dwarf Burford Holly NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				58
IC	Ilex cornuta `Carissa` / Carissa Holly NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				60
IV	llex vomitoria / Yaupon Holly NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				43
IF	Illicium parviflorum `Florida Sunshine` / Florida Sunshine Illicium NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				28
LSS	Ligustrum sinense `Sunshine` / Sunshine Ligustrum NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				17
LC	Loropetalum chinense `Crimson Fire` / Crimson Fire Loropetalum NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				41
LCR	Loropetalum chinense `Ruby` / Ruby Loropetalum NURSERY GROWN: FULL AND HEALTHY; MATCHED	3 Gal.				15
OF	Osmanthus fragrans / Sweet Olive NURSERY GROWN: SYMMETRICAL FORM; FULL AND HEALTHY; MATCHED	7 Gal.				3
PR	Pennisetum setaceum 'Rubrum' / Purple Fountain Grass NURSERY GROWN: FULL AND HEALTHY; MATCHED	1 Gal.				41
VM	Viburnum obovatum `Miss Shillers Delight` / Small-Leaf Arrowwood NURSERY GROWN: FULL AND HEALTHY; MATCHED	1 Gal.				29
SHRUB AREAS JN	BOTANICAL / COMMON NAME Juniperus procumbens `Nana` / Shore Juniper NURSERY GROWN: FULL AND HEALTHY; MATCHED	CONT 1 Gal.			30" o.c.	74
GROUND COVERS AO	BOTANICAL / COMMON NAME Acorus gramineus `Ogon` / Golden Variegated Sweetflag NURSERY GROWN: FULL AND HEALTHY	CONT 1 GAL.			18" o.c.	56
НО	Hemerocallis x `Stella de Oro` / Stella de Oro Daylily NURSERY GROWN: FULL AND HEALTHY	4" POTS			18" o.c.	21
LS2	Liriope spicata `Silver Dragon` / Creeping Lily Turf NURSERY GROWN: FULL AND HEALTHY	4" POTS			12" o.c.	923
Ol	Ophiopogon japonicus / Mondo Grass NURSERY GROWN: FULL AND HEALTHY	4" POTS			12" o.c.	400

		FINAL TREE DE			
TREE	SIZE	QUANTITY	DENSITY FACTOR	REPLACEMENT VALUE	
SERVICEBERRY	12-14'	3	0.5	1.5	
ARNOLD TULIP POPLAR	4" CAL.	4	0.7	2.8	
CHERRY	3" CAL.	3	0.6	1.8	
OVERCUP OAK	4" CAL.	9	0.7	6.3	
NUTALL OAK	4" CAL.	4	0.7	2.8	
SHUMARD OAKS	4" CAL.	7	0.7	4.9	EXISTING STREET TREES TO REMAIN
EMERALD ARBORVITAE	6' MIN HT.	9	0.4	3.6	
=WERALD ARBORVITAE	6 WIIN H1.	39	U.4 	23.7	TOTAL TREE DENSITY

### LANDSCAPE NOTES

### PARKING LOT LANDSCAPING

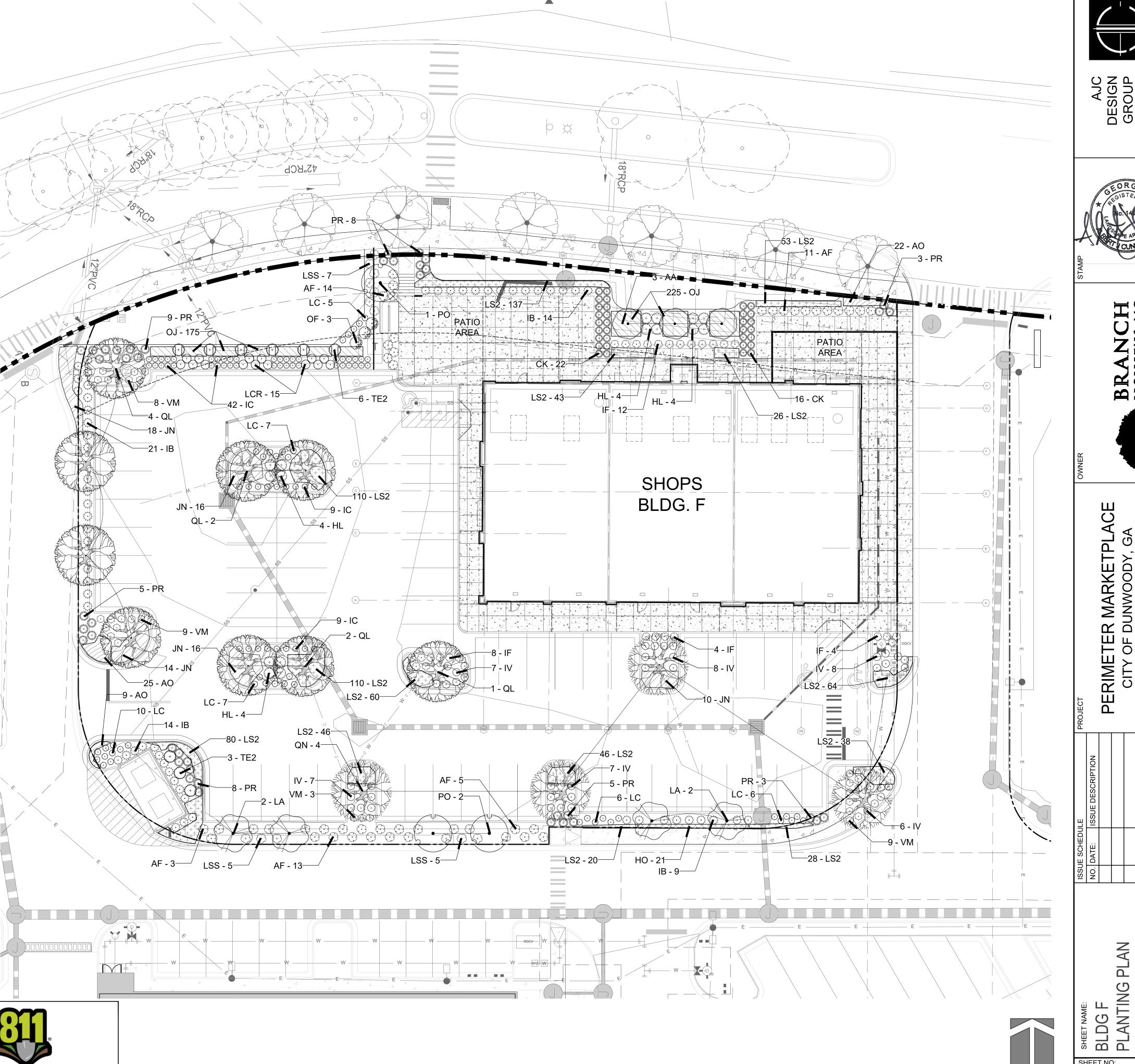
- ALL PARKING LOT LANDSCAPE ISLANDS TO HAVE A MINIMUM PERVIOUS AREA OF 400 SQUARE FEET (SF) WITH THE EXCEPTION OF A SINGLE ROW OF PARKING SPACES WHICH SHALL PROVIDE A MINIMUM OF 200 SF. LIANDSCAPE ISLANDS ABUTTING A SINGLE ROW OF PARKING MUST INCLUDE AT LEAST ONE CANOPY TREE. LANDSCAPE ISLANDS ABUTTING A DOUBLE ROW OF PARKING MUST INCLUDE AT LEAST TWO CANOPY TREES.
- SHRUBS SHALL BE PROVIDED IN LANDSCAPE ISLANDS AND DIVIDER MEDIANS AT A RATE OF FOUR SHRUBS PER REQUIRED TREE. PARKING LOT SHRUBS MAY NOT EXCEED THREE FEET IN HEIGHT. 4. GROUND COVER MUST BE USED IN AREAS NOT COVERED BY TREES AND SHRUBS. TURF GRASS MAY NOT BE USED IN ISLANDS AND DIVIDER MEDIANS.
- 5. PARKING LOT PERIMETER SHALL BE SCREENED FROM THE ADJACENT RIGHTS OF WAY WITH LANDSCAPING, WALL, OR COMBINATION THEREOF THAT RESULTS IN A CONTINUOUS VISUAL SCREEN AT LEAST THREE FEET ABOVE GRADE ALONG THE LENGTH OF THE FRONTAGE. SHRUBS USED TO SATISFY THIS REQUIREMENT SHALL BE PROVIDED AT A RATE OF 30 SHRUBS PER 100 LINEAR FEET (LF)
- LANDSCAPING SCREENING
- GROUND MOUNTED MECHANICAL EQUIPMENT OVER 30° IN HEIGHT SHALL BE SCREENED FROM VIEW WITH A FENCE OR HEDGE TALL ENOUGH TO CONCEAL THE EQUIPMENT. . REFUSE / RECYCLING CONTAINERS MUST BE SCREENED FROM VIEW OF STREETS AND ABUTTING LOTS WITH A SOLID OR OPAQUE FENCE AT LEAST SIX FEET IN HEIGHT
- LANDSCAPING PLANTING
- DECIDUOUS TREES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF THREE INCHES CALIPER AND A MINIMUM OF TEN FEET TALL. 9. EVERGREEN TREES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF SIX FEET TALL AT TIME OF PLANTING.
- 10. SHRUBS AND ORNAMENTAL GRASSES USED TO SATISFY CODE REQUIREMENTS SHALL BE A MINIMUM OF ONE-GALLON SIZE AT TIME OF INSTALLATION.
- 11. ALL REQUIRED LANDSCAPED AREAS SHALL BE COVERED WITH A BIODEGRADABLE MULCH OR GROUNDCOVER PLANTS. ALL REQUIRED TREES AND SHRUBS TO BE LOCATED IN MULCHED PLANTING BEDS. 12. LANDSCAPE AREAS IN OR ABUTTING PARKING LOTS MUST BE PROTECTED BY CONCRETE CURBING, ANCHORED WHEEL STOPS OR DURABLE BARRIERS APPROVED BY THE CITY ARBORIST.

### TREE DENSITY NOTES

TREE MITIGATION FOR THE SITE PROVIDED AS A PART OF THE LAND DISTURBANCE PERMIT #20200078 FOR THE PERIMETER MARKETPLACE ASHWOOD CENTER PROJECT LOCATED AT 500 ASHWOOD PKWY. SOME TREES PLANTED ON THIS PARCEL AS A PART OF THAT TREE MITIGATION PERMIT ARE TO BE REMOVED AND REPLACED. ALL REPLACEMENT TREES WILL BE OF THE SAME SPECIES AND CALIPER SIZE OF THE ORIGINAL MITIGATION PLANS.

IN THE EVENT THAT THE SPECIFIED TREE SPECIES ARE COMMERCIALLY UNAVAILABLE IN THE REQUIRED CALIPER SIZES, A REPLACEMENT TREE OF THE SAME SPECIES WILL BE SUBMITTED FOR REVIEW AND APPROVAL. ALL SUBSTITUTIONS MUST BE APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT PRIOR TO PURCHASE AND INSTALLATION. ANY SUBSTITUTIONS NOT APPROVED IN ADVANCE WILL BE REPLACED BY THE CONTRACTOR WITH TREES THAT MEET OR EXCEED THE SIZE REQUIREMENTS, NOT AT THE EXPENSE OF THE OWNER.





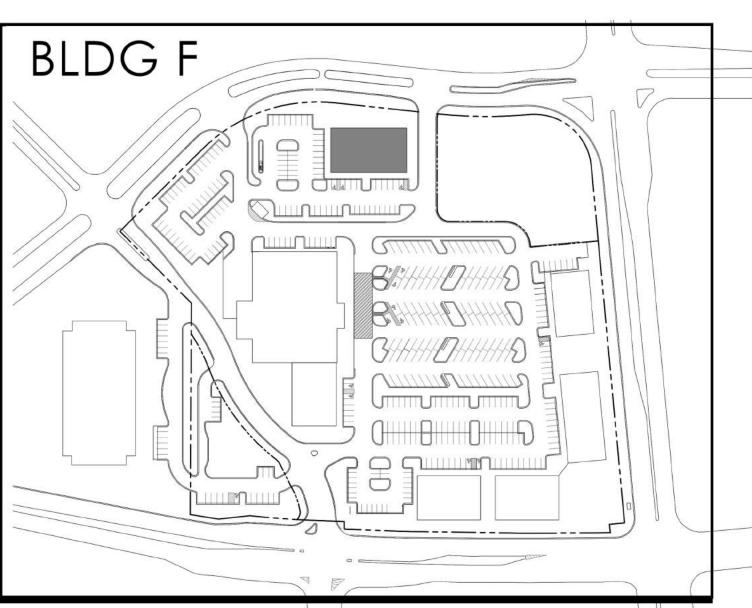
900201













PERIMETER MARKETPLACE

### FIRST AMENDMENT

## APPLICATION FOR MAJOR AMENDMENT CITY OF DUNWOODY, GEORGIA

IN RE: RZ 21-02	)
Branch Ashwood Associates, L.P., Applicant,	)
For the Property located at:	)
600 Ashwood Parkway, Dunwoody	)
(Parcel No. 18 349 01 048)	)

COMES NOW the Applicant and respectfully requests that the above-referenced Application for Major Amendment be amended as follows:

(1)

By incorporating into the Application the enclosed Constitutional Objections, as if originally filed with the Application;

(2)

By incorporating into the Application the enclosed Site Plan dated November 8, 2021, in lieu of previously submitted site plans, as if originally filed with the Application;

(3)

By incorporating into the Application the enclosed Planting Plan dated November 8, 2021, as if originally filed with the Application;

(4)

By incorporating into the Application the enclosed Colored Elevations dated November 8, 2021, in lieu of previously submitted elevations, as if originally filed with the Application;

(5)

By incorporating into the Application the enclosed Colored Site Plan dated November 8, 2021, as if originally filed with the Application.

WHEREFORE, the Applicant requests that the City of Dunwoody accept this First Amendment; that the Application be amended in accordance with this First Amendment; and that the Applicant have such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC

Laurel David Jordan Edwards

Attorneys for the Applicant

4062 Peachtree Road, Suite A 330 Atlanta, Georgia 30319 (404) 965-3681

# CONSTITUTIONAL OBJECTIONS APPLICATION FOR MAJOR AMENDMENT OF ZONING CONDITIONS CITY OF DUNWOODY, GEORGIA

Georgia Law and the procedures of the City of Dunwoody require us to raise Federal and State Constitutional objections during the Major Amendment of Zoning Conditions application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the City of Dunwoody, Georgia, as applied to the Property, that would result in a denial of the Major Amendment of Zoning Conditions as requested, are, or would be, unconstitutional in that they would destroy property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, 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.

Any application of the Code of the City of Dunwoody or the Dunwoody Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested is unconstitutional, illegal and null and void because such an application constitutes a taking of 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 Article I, 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 because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the City Council of the City of Dunwoody without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, 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.

A refusal to grant the Major Amendment of Zoning Conditions as requested would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Major Amendment of Zoning Conditions subject to conditions that are different from the conditions requested, to the extent such different conditions would have the effect of further restricting the utilization of the Property, would also constitute an arbitrary, capricious and

discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to the City of Dunwoody, pursuant to O.C.G.A. § 36-33-5, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by the City of Dunwoody. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

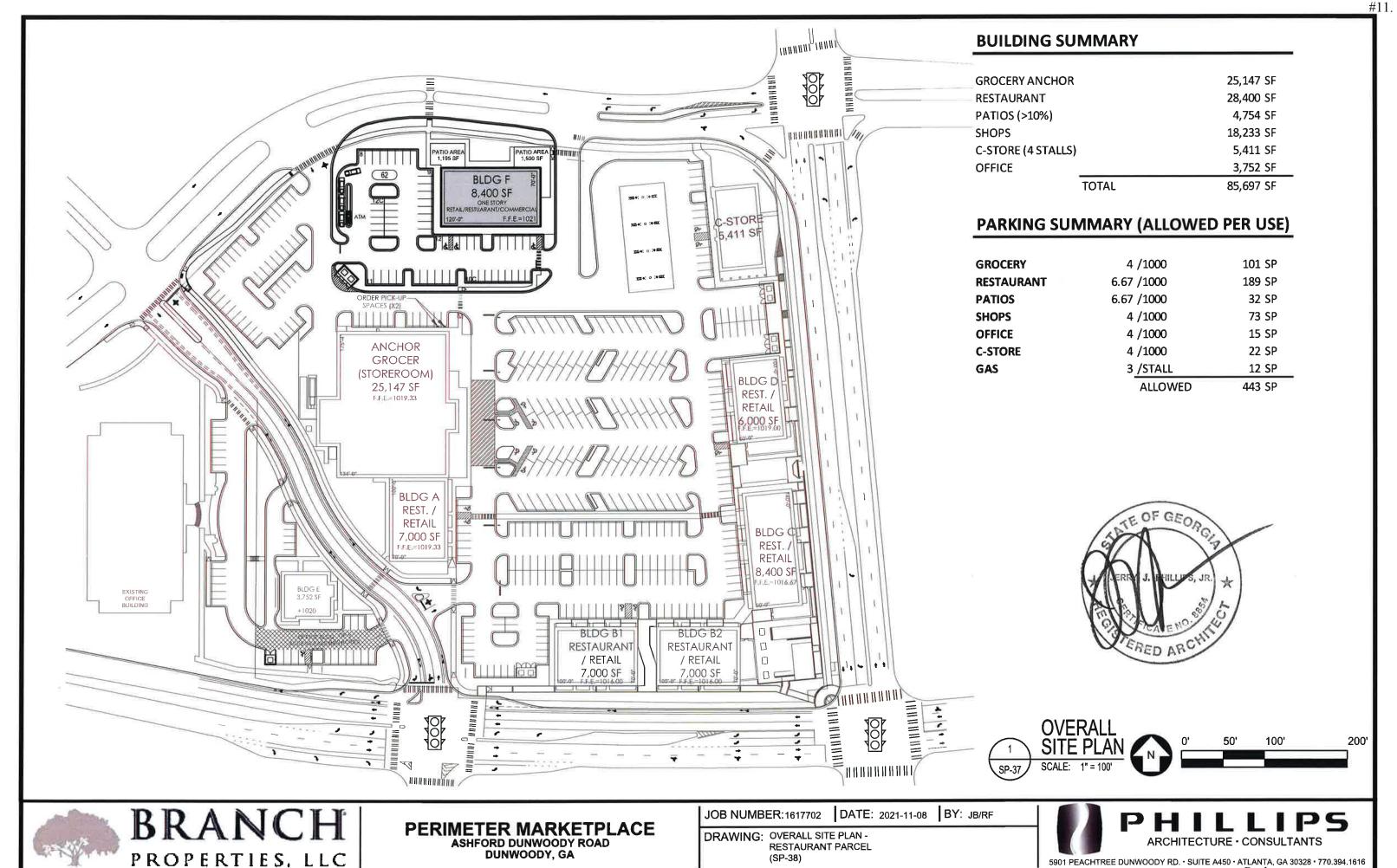
Accordingly, the Owner/Applicant respectfully requests that the City Council of the City of Dunwoody grant the Major Amendment of Zoning Conditions as requested.

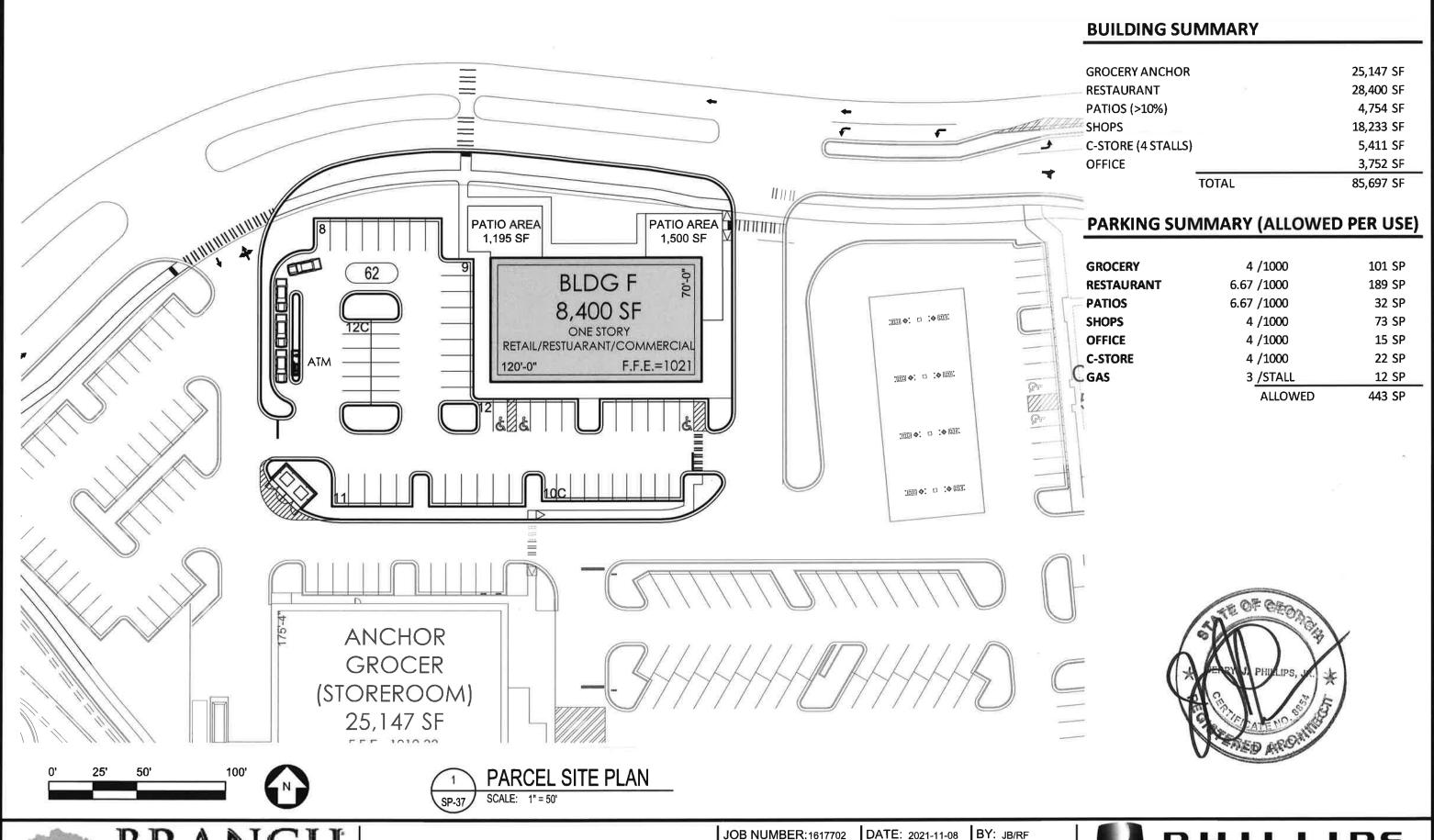
THE GALLOWAY LAW GROUP, LLC

Laurel David Jordan Edwards

Attorneys for Owner/Applicant

4062 Peachtree Road, Ste A330 Dunwoody, Georgia 30319 (404) 965-3680





PROPERTIES, LLC

PERIMETER MARKETPLACE
ASHFORD DUNWOODY ROAD
DUNWOODY, GA

DRAWING: PARCEL SITE PLAN RESTAURANT PARCEL (SP-38)



**ARCHITECTURE · CONSULTANTS** 

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616

EXISTING BUILDING D EXISTING BUILDING C EXISTING BUILDING B1



NORTH



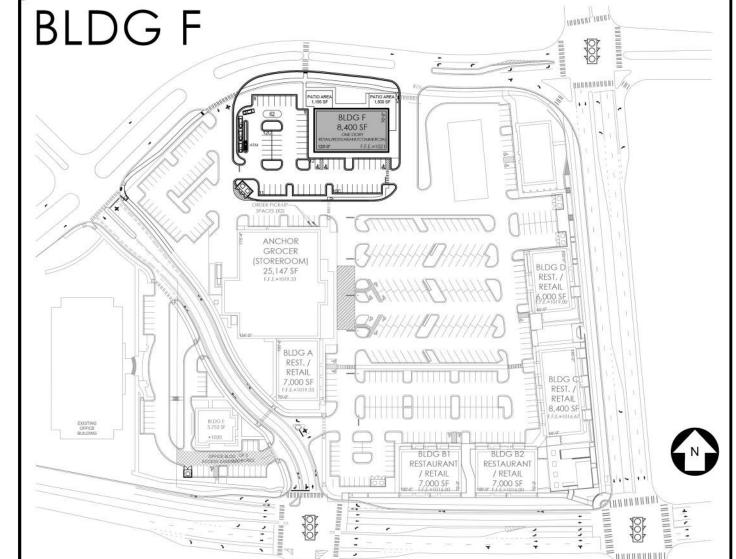
WEST








SOUTTH















### **Amendment Application**

4800 Ashford Dunwoody Road Dunwoody, GA 30338 Phone: (678) 382-6800 dunwoodyga.gov

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

### **Application Requirements:**

Item #	Required Item	Number of Copies	
1	Amendment Application (See Page 7)	1 electronic copy	
2	Property Owner(s) Notarized Certification (See Page 8)	1 electronic copy	
3	Campaign Disclosure Statement (See Page 10-11)	1 electronic copy	
4	Traffic Impact Study (If necessary, see Page 12)	1 electronic copy	
5	Development of Regional Impact (If necessary, 1 electronic copy see Page 12)		
6	Environmental Impact Report (If necessary, see Page 13)	1 electronic copy	
7	Summary Report (See Page 5)	1 electronic copy	
8	Site plan and elevations (See Page 5)	1 electronic copy	
9	Written legal description/survey of the property (See Page 5)	1 electronic copy	
10	Site photos (See Page 5)	1 electronic copy	
11	Letter of Intent (See Page 5)	1 electronic copy	
12	Overall Development Plan (For Planned Developments)	1 electronic copy	
13	Payment	Pay with cash, check or credit card	

Please submit the entirety of your application electronically, saved as a single PDF.

The deadline to be placed on the next month's Planning Commission agenda is the first Tuesday of the month by 3 PM.

### **Detailed Process and Instructions**

#### **Before the First Pre-Application Review Meeting**

- Review the application packet.
- o Consult the Dunwoody Zoning Ordinance at <u>library.municode.com/ga/Dunwoody</u>
- Fill out the amendment application (page 7).
- o Prepare a preliminary site plan.
- Contact a Planner to schedule a Pre-Application Review Meeting. Contact information is online at <u>dunwoodyga.gov</u>.



# **AMENDMENT APPLICATION**

### **Community Development**

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

### **Applicant Information:**

Company Name:	Branch Ashwood Associate	es, L.P.
Contact Name:	c/o The Galloway Law Group,	, LLC
Address:	4062 Peachtree Road NE, Sui	nite A330, Atlanta, GA 30319
Phone: <u>(404)</u> 965-3	3682 Fax:	Email: jordan@glawgp.com
Pre-application co	nference date (required):	October 12, 2021
Owner Inforn	nation:   Check here if same	e as applicant
Owner's Name:	Dunwoody Development Auth	nority
Owner's Address:	4800 Ashford Dunwoody Road	d, Dunwoody, GA 30338
Phone: <u>(678)</u> 382-6	926 Fax:	Email: michael.starling@dunwoodyga.gov
Property Info	rmation:	
Property Address:	600 Ashwood Parkway, Dunwo	voody, GA 30338 Parcel ID: <u>18 349 01 048</u>
Current Zoning Cla	assification: <u>C-1c</u>	
Requested Zoning	Classification: <u>C-1c</u>	
Applicant Aff	idavit:	
determined to be nec	essary, I understand that I am reerify that I, the applicant (if diffe	amendment application form is correct and complete. If additional materials responsible for filing additional materials as specified by the City of Dunwo erent), am authorized to act on the owner's behalf, pursuant to this applica-
Applicant's Name:	Branch Ashwood Associ	iates, L.P., by Jack Haylett, its Partner
Applicant's Signat	ure:	Date:
Notary:		
Sworn to and subs	scribed before me this	Day of October, 2021
Notary Public: 12	ebecca O'Brien	
Signature:	roca OBim	
My Commission Ex	opires: Hug 19, 203	24 LINEBECCA OBPARTA
	· ·	NOTARY PUBLIC Aug 19, 2024
		TOW TOW COUNTY OF THE

# **Property Owner(s) Notarized Certification**



### **Community Development**

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

I hereby certify that to the best of my knowledge, this amendment form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

Property Owne	r (ir Applicable):	A		
Owner Name:	Dunwoody Development Auth	ority, by Jonathan Sangster, its	Chairman	
Signature. 6		Date: 10/21/21		
Address:		hford Dunwoody Road, Dunwoo		
Phone: (678) 382-692		Mr.	arling@dunwoodyga.gov	
Sworn to and subscr	ibed before method	Son Day of October	, 20 <u>2/</u>	
Notary Public: Cond	OTARI OTARI OUBLIC COUNTY	THE STATE OF THE S		
Property Owne	r (If Applicable):	1111.		
Owner Name:	ege (			
Signature:		Da	ate:	
Address:				
Phone:	Fax:	Email:		
Sworn to and subsci	ribed before me this	Day of	, 20	
Notary Public:				
Property Owne	er (If Applicable):			
Owner Name:				
Signature:		Da	ate:	
Address:	-			
Phone:	Fax:	Email:		
Sworn to and subsc	ribed before me this	Day of	, 20	
Notary Public:				



# Campaign Disclosure Statement

### **Community Development**

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

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

Applicant / Owner: Branch Ashwood Associates, L.P., as Applicant

☐ YES NO

Signatur	e:By J	lack Haylett, its Partner	Date:/0/29	3/2/
	: 3340 Peachtree Road NE, Suite	2775, Atlanta, GA 30326		
Property of	If the answer abo	ve is yes, please complete the	following section:	
Date	Government Official	Official Position	Description	Amount



# Campaign Disclosure Statement

**Community Development** 

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

this app	olication, made campaign contrib e to a member of the City of Dur er of the City of Dunwoody Planni	outions aggregating \$250.00 nwoody City Council or a	□ YES □ NO		
Applicant / Owner: Dunwoody Development Authority, as Owner					
Signature. By Jonathan Sangster, its Chairman Date: 10 21 21					
Address	s: 4800 Ashford Dunwoody Road, D	Dunwoody, GA 30338			
	If the answer abo	ve is yes, please complete the	following section:		
Date	Government Official	Official Position	Description	Amount	
			<u> </u>		
				>	

## Campaign Disclosure Statement



### **Community Development**

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

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



Applicant / Owner: The Galloway Law Group, LLC, as Attorney for the Applicant
Signature:
If the answer above is yes, please complete the following section:
Date Government Official Official Position Description Amount

#### LETTER OF INTENT

### APPLICATION FOR FUTURE LAND USE PLAN AMENDMENT CLAYTON COUNTY, GEORGIA

Branch Ashwood Associates, L.P. (the "Applicant"), requests a Major Amendment of the zoning conditions applicable to the approximately 10.6 acres located at 600 Ashwood Parkway, Dunwoody (Parcel 18 349 01 048) (the "Property") to allow one commercial retail/restaurant building and associated parking in an area shown as an unassigned pad site on the previously approved site plan for the mixed-use development currently under construction. The Property is zoned to Dunwoody's C-1 Local Commercial district subject to conditions. See MA19-01, MA19-03. As shown on the enclosed Site Plan, the proposed retail/restaurant building would be located on the northern side of the Property and would measure approximately 7,800 square feet.

As documented below, the requested Major Amendment is consistent with the review and approval criteria enumerated at Section 27-335(b) of the Dunwoody Zoning Ordinance. Accordingly, the Applicant respectfully asks that the City Council of the City of Dunwoody approved this Major Amendment as requested.

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

The City of Dunwoody 2020-2040 Comprehensive Plan incorporates a Character Area Map that assigns the Property to the Perimeter Center character Area. Comprehensive Plan at Page 19. As described in the Comprehensive Plan, "Perimeter Center will be a visitor friendly "livable" regional center with first-class office, retail, entertainment, hotels, and high-end restaurants in a pedestrian and bicycle-oriented environment." Comprehensive Plan at Page 31. The proposed retail/restaurant use thus conforms with the policy and intent of the comprehensive plan as described for the Perimeter Center character area.

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

The Applicant is currently developing the Property for a mix of grocery, retail, and office uses. The proposed retail/restaurant building fits with this mix of uses and will be designed to match the development aesthetically. This mix of uses is also suitable in view of the use and

development of adjacent and nearby properties, which are similarly zoned and developed for retail, restaurant, and office uses.

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

As noted above, the City Council not long ago conditionally zoned the Property based on a site plan that reserved a pad site for future development. Although the pad site was at one time programmed for a hotel, prevailing market forces have directed the Applicant to the proposed retail/restaurant use for the site. While the Property as a whole has a reasonable economic use as currently zoned, the current zoning to C-1c assumed the pad site would be developed. Consequently, the pad site's development is a fundamental component of the Property's economic value.

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

The requested Major Amendment will not adversely affect the existing use or usability of adjacent or nearby properties. The larger area in which the Property is located is developed and used for a relatively dense mix of retail, restaurant, office, and other commercial uses. The proposed retail/restaurant building matches these uses and will be stylistically harmonious with the rest of the development on the Property.

# (5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

Construction of the approved mixed-use commercial development on the Property has proceeded to the point that it is now important to also develop the last remaining pad site. Additionally, market signals indicate strong demand for the proposed building and uses. Together, these conditions provide supporting grounds for approval.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on the site.

(7) Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The overall design of the development on the Property emphasizes pedestrian and cycling access. In addition, the Applicant has made significant contributions to ameliorating traffic congestion, including the construction of a private drive connecting Meadow Lane and Ashwood Parkway that will be available for public use. The Applicant has also coordinated sewer access with DeKalb County. Beyond sewers, adequate public services, facilities and utilities exist to serve the Property.

As documented above, the requested Major Amendment is consistent with the review and approval criteria enumerated at Section 27-335(b) of the Dunwoody Zoning Ordinance. Accordingly, the Applicant respectfully asks that the City Council of the City of Dunwoody approved this Major Amendment as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

Laurel David Jordan Edwards

4062 Peachtree Road, Suite A330 Atlanta, Georgia 30319

#### SUMMARY REPORT

# APPLICATION FOR MAJOR AMENDMENT OF ZONING CONDITIONS CITY OF DUNWOODY, GEORGIA

Branch Ashwood Associates, L.P. (the "Applicant"), is requesting a Major Amendment of the zoning conditions applicable to the approximately 10.6 acres located at 600 Ashwood Parkway, Dunwoody (Parcel 18 349 01 048) (the "Property") to allow one retail/restaurant/commercial building and associated parking in an area shown as an unassigned pad site on the previously approved site plan for the mixed-use development currently under construction. In accord with the City of Dunwoody's process for applicant-initiated meetings (Section 27-306 of the Dunwoody Zoning Ordinance), the Applicant provided notice as required (mailing 180 letters to nearby property owners identified by City staff and publishing an advertisement in the Dunwoody Crier) and hosted a meeting open to the public at 6:00 PM on October 27, 2021, at the Eclipse di Luna restaurant, located at 4505 Ashford Dunwoody Road, Dunwoody, Georgia.

A total of five people attended the meeting. See Exhibit A – Community Meeting Sign-In Sheet. The Applicant displayed relevant site plans and building elevations and provided information about the proposed retail/restaurant/commercial building, the zoning history of the Property, and why the requested Major Amendment is necessary. Other topics discussed included the opening date of the mixed-use development's grocery store and which restaurants would be leasing space at the mixed-use development. No one who attended the meeting expressed any concerns about the proposal or suggested any modifications.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

Laurel David Jordan Edwards

4062 Peachtree Road, Suite A330 Atlanta, Georgia 30319

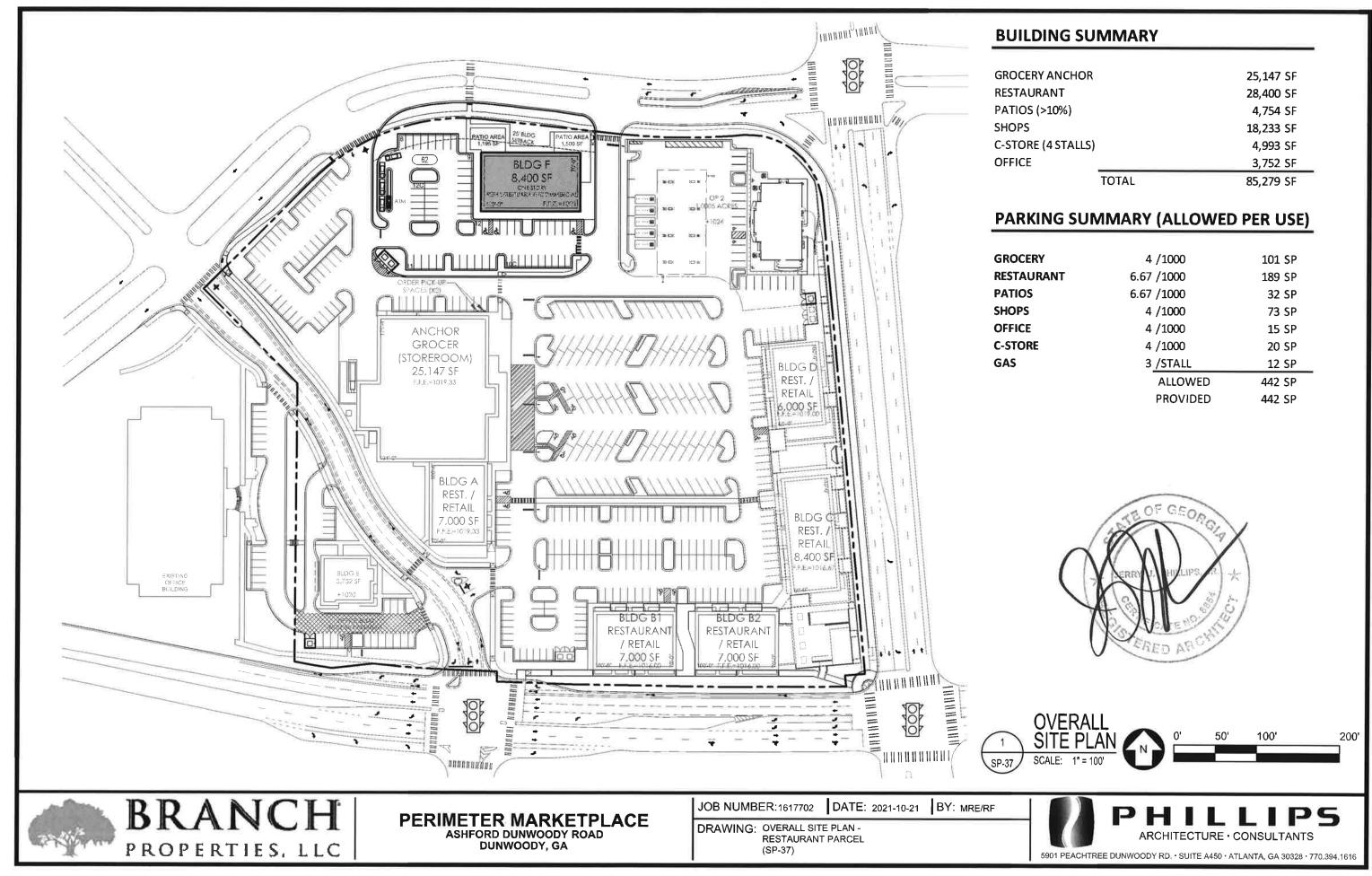
#### **EXHIBIT A**

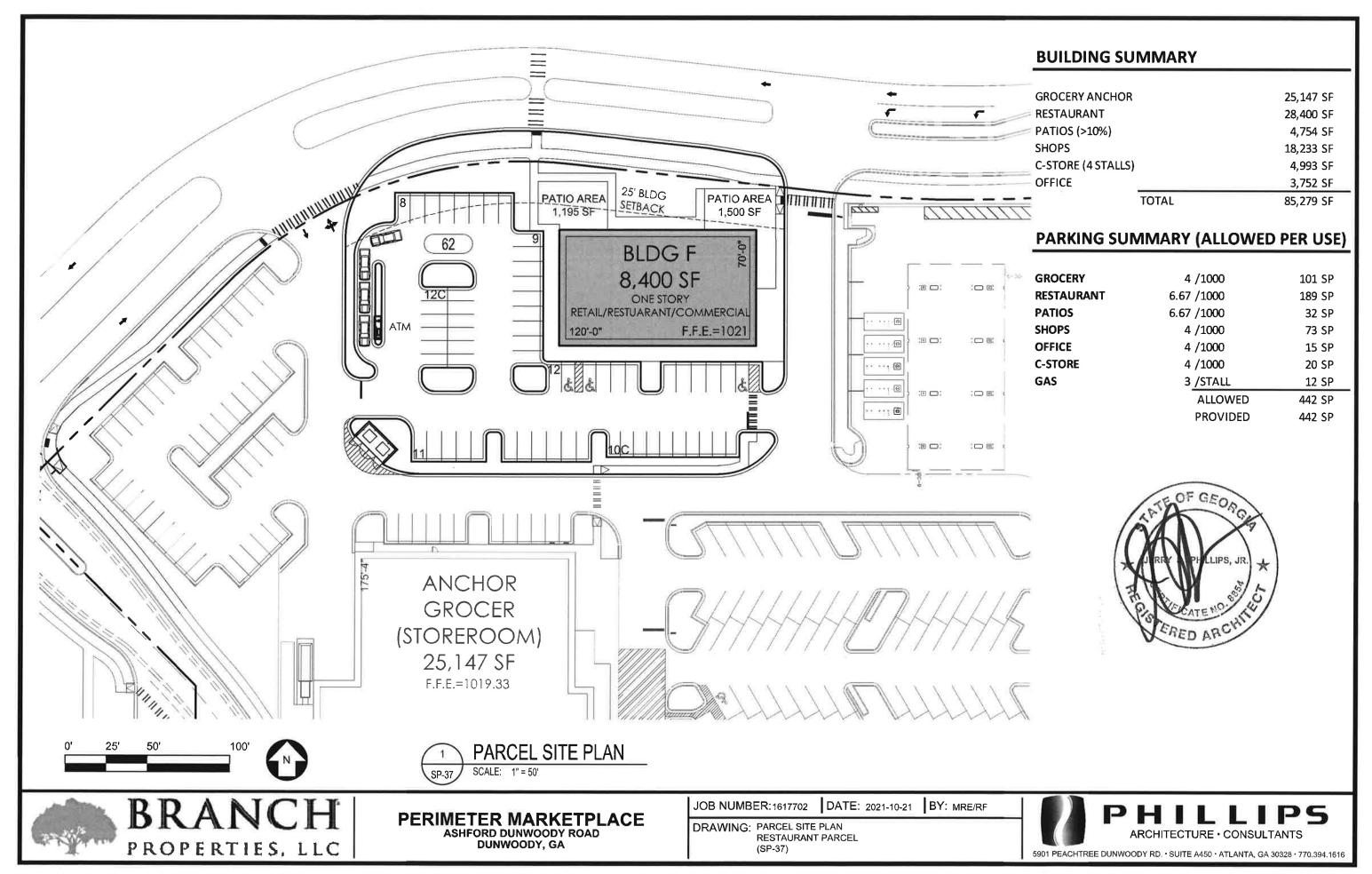
#### **Community Meeting Sign-In Sheet**

## **Community Meeting** Major Amendment — 600 Ashwood Parkway October 27, 2021, 6:00 PM, at Eclipse di Luna, 4505 Ashford Dunwoody Road

Applicant: Branch Ashwood Associates, L.P.

Name and Organization	Address	Email Address
Carmen Siles	1713 Kenstone Wall Dun 30328 1123 Haccy Acez. Dw. 3038 1269 Valley View Rd	Cgiles 770@ gmail. con
SHALON BUSSEU	1123 HOLLY ALEZ. DIW. 3038	Cgiles 770@gmail.com SNBMINIEAT.NET. mak.masel@smail.com
Makmarie/myraGrade	1269 Valley View Rd	makimaselesmanl.com
		,
		4







EXISTING BUILDINGS

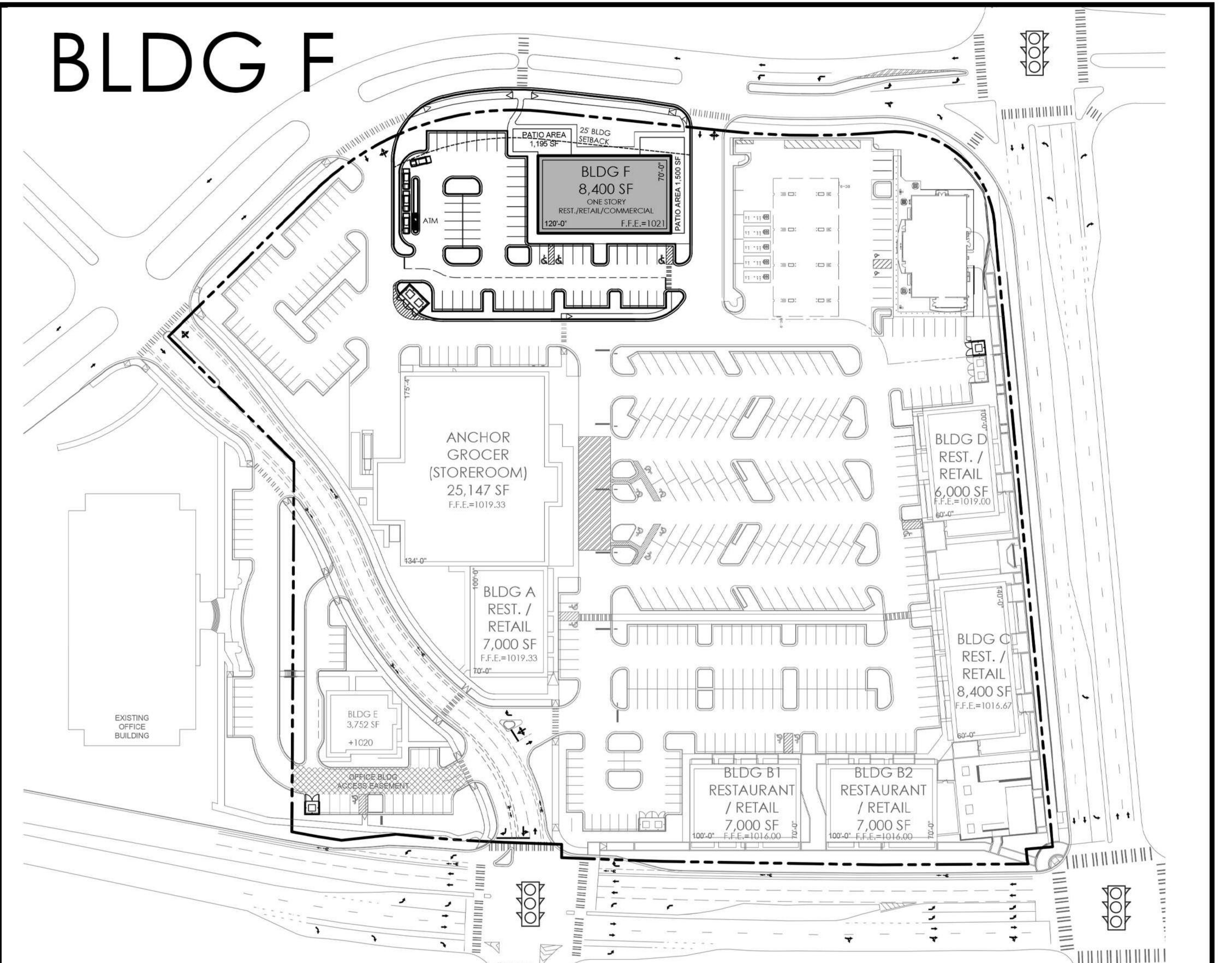






WEST







PERIMETER MARKETPLACE - BUILDING F

### SURVEY NOTES

A TRIMBLE "S" SERIES TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS. A PHANTOM 4 PRO UAS (DRONE) WAS USED TO FLY TH SITE TO DOCUMENT AS-BUILT CONDITIONS

A TRIMBLE R-10 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.

IIS OVERALL SURVEY HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE ITHIN ONE FOOT IN 186,400 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED, ARE WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA/NSPS LAND TITLE SURVEYS PER THE 2016 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND NSPS AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

HE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A BRID BEARING BASE (GA WEST ZONE) NAD83.

DUE TO VARIANCES IN GPS EQUIPMENT, TECHNIQUES, FEDERAL ADJUSTMENTS TO TATE PLANE MODELS AND DAILY CONDITIONS IMPACTING GPS RECEPTIVITY, GPS SOLUTIONS MAY VARY FROM THOSE PROVIDED ON THIS SURVEY BOTH HORIZONTALLY AND VERTICALLY. ANY AND ALL CONTRACTORS, CONSULTANTS, INDIVIDUALS OR ENTITIES RELYING ON STATE PLANE COORDINATES TO RELATE TO DATA PROVIDED ON HIS SURVEY MUST LOCALIZE TO THE SURVEY CONTROL, BENCHMARKS OR PROPERTY MONUMENTATION, ESTABLISHED BY THIS SURVEY IN ORDER TO ENSURE ACCURACY OF DATA. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR ISSUES ENCOUNTERED DUE TO FAILURE TO LOCALIZE DIRECTLY

ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES. MEASURING UNITS OF THIS SURVEY ARE IN U.S. SURVEY FEET. FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON AUGUST 8, 2018. FIELDWORK

HIS SURVEY MAY NOT REPRESENT OFFSITE PAINT STRIPING TO THE ACCURACY REQUIRED FOR LANE DESIGN. TERRAMARK LOCATES THE EDGE OF PAVING AND ITICAL POINTS TO REFLECT ACCURATE TOPOGRAPHIC DATA ONLY, ACCURACY OF PAINT LOCATIONS SHOULD BE VERIFIED WITH SURVEYOR PRIOR TO USING THIS

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY TO THE ACCURACY OF THIS INFORMATION AND SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS. HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND HAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

INFORMATION REGARDING STORM SEWER AND SANITARY SEWER AS SHOWN HEREON, IS BASED ON OBSERVATIONS TAKEN BY TERRAMARK EMPLOYEES AT HE GROUND ELEVATION OF THE EXISTING STRUCTURE. TERRAMARK EMPLOYEES ARE NOT AUTHORIZED TO ENTER A CONFINED SPACE SUCH AS A STRUCTURE. THEREFORE. THERE IS NO CERTAINTY OF THE PIPE SIZES AND PIPE MATERIAL THAT ARE SHOWN ON THIS SURVEY. EXCAVATION BY A CERTIFIED CONTRACTOR IS THE ONLY WAY TO VERIFY PIPE SIZE AND MATERIAL. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE PIPE INFORMATION SHOWN HEREON.

FERRAMARK LAND SURVEYING, INC. WAS UNABLE TO DETERMINE THE EXTENT OF PIPES MARKED AS APPROXIMATE DIRECTION ONLY AFORESAID PIPE IS DRAWN ON THE SURVEY TO REFLECT THE OBSERVED DIRECTION BASED UPON A VISUAL INSPECTION IF THE STRUCTURE ONLY AND IS SHOWN FOR INFORMATIONAL PURPOSES. STATE WATERS AND BUFFERS AS SHOWN OR NOT SHOWN HEREON ARE SUBJECT TO

REVIEW BY LOCAL JURISDICTION OFFICIALS. IT IS THE RESPONSIBILITY OF THE LOCAL AUTHORITY TO DETERMINE SPECIFIC WATER CLASSIFICATION. THEREFORE FERRAMARK LAND SURVEYING ACCEPTS NO RESPONSIBILITY IN THE IDENTIFICATION OF SAID WATERS OR BUFFERS IDENTIFIED OR NOT IDENTIFIED HEREON.

PROPERTY IS SUBJECT TO RIGHTS OF UPPER AND LOWER RIPARIAN OWNERS IN AND TO THE WATER OF CREEKS AND BRANCHES CROSSING OR ADJOINING SUBJECT PROPERTY AND THE NATURAL FLOW THEREOF, FREE FROM DIMINUTION OR POLLUTION. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR

ENTITY NAMED HEREON. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS CERTIFICATION BY THE SURVEYOR

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA.

## SITE INFORMATION

CURRENT OWNER: BRANCH ASHWOOD ASSOCIATES, LP DB. 20527 PG. 224 - 236

TRACT 1 ADDRESS: 4720 ASHFORD DUNWOODY ROAD

TAX PARCEL ID # 18 350 02 001

TRACT 2 ADDRESS: 1250 MEADOW LANE ROAD TAX PARCEL ID # 18 349 01 037 TRACT 3 ADDRESS: 700 ASHWOOD PARKWAY

TRACT 4 ADDRESS: 600 ASHWOOD PARKWAY

TAX PARCEL ID # 18 349 01 048 TRACT 5 ADDRESS: 500 ASHWOOD PARKWAY

TAX PARCEL ID # 18 349 01 046

TAX PARCEL ID # 18 350 02 003

OVERLAY DISTRICT: PERIMETER CENTER OVERLAY DISTRICT MA19-01, ZBA19-11 JURISDICTION: CITY OF DUNWOODY

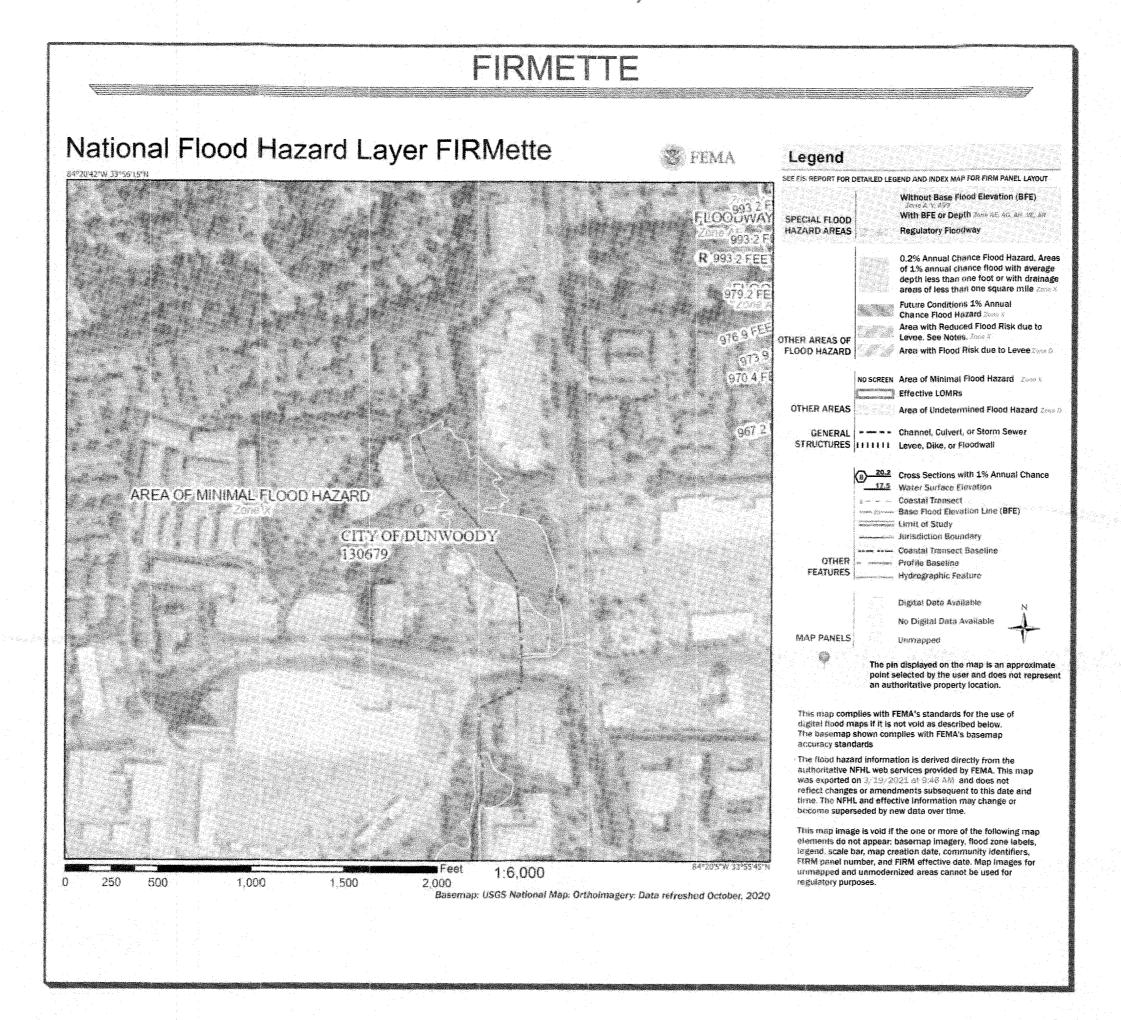
SETBACKS LISTED IN ZBA19-11 ZONING DOCUMENTS AND ARE AS PER THE APPROVED SITE PLANS

REGULAR PARKING - 238 HANDICAPPED PARKING - 10 TOTAL PARKING COUNT - 248

# **COMBINATION PLAT**

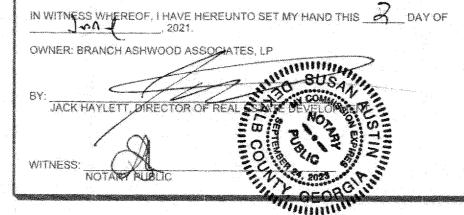
BRANCH ASHWOOD ASSOCIATES, LP (600 ASHWOOD PARKWAY)

LOCATED IN LAND LOTS 349 & 350, 18TH DISTRICT, CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA



#### **OWNERS AFFIDAVIT**

JACK HAYLETT, DIRECTOR OF REAL ESTATE DEVELOPMENT FOR BRANCH ASHWOOD ASSOCIATES, LP, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HOLDS HARMLESS THE CITY OF DUNWOODY FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS-DRAINS, CULVERTS, WATERMAINS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SURFACE WATER OR THE CHANGING OF COURSES OF STREAMS. AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT THE CITY OF DUWOODY SHALL NOT BE LIABLE TO HIM, HIS HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSIONS, DRIVES, STRUCTURES, STREETS CULVERTS CURBS OR SIDEWALKS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS. ALL ROADS HAVE BEEN PROPERLY DESIGNED TO ACCOMMODATE ANY REQUIRED PARKING



#### **FEMA NOTES**

ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAPS) OF DEKALB COUNTY. GEORGIA, PANEL NUMBER 13089C0012J, HAVING AN EFFECTIVE DATE OF MAY 16, 201 THE SURVEYED PROPERTY APPEARS TO LIE IN ZONE X (OTHER AREAS) WHICH IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAIN PER GRAPHICAL PLOTTING OF THE REFERENCED "FIRM" MAP SHOWN

### SPECIAL NOTES

CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS. THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY, NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE

PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

OR DEVELOPMENT OF THIS PROPERTY

#### AREA TABLE

PROPOSED TRACT 438,092 SQ.FT. OR 10.0572 AC.

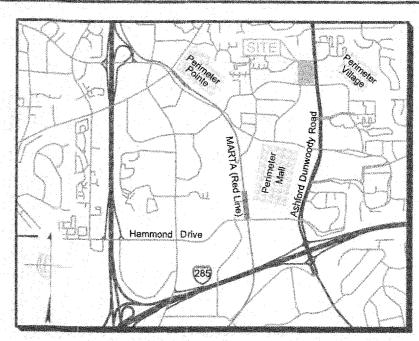
#### REFERENCE MATERIAL

1. ALTA/ACSM LAND TITLE SURVEY OF ASHWOOD RESTAURANT PARK FOR BRANCH. ASHWOOD ASSOCIATES, LLC PREPARED BY HOR ENGINEERING, INC. DATED DECEMBER 18, 2007

2. LIMITED WARRANTY DEED RECORDED IN DB. 20527 PG. 224 AMONG THE LAND RECORDS OF DEKALB COUNTY, GEORGIA

3. LIMITED WARRANTY DEED RECORDED IN DB. 25847 PG. 293

4. ALTA/ACSM LAND TITLE SURVEY FOR BRANCH ASHWOOD ASSOCIATES, LP. UNITED COMMUNITY BANK & FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY TERRAMARK LAND SURVEYING, INC. DATED APRIL 30, 2020



### **LOCATION MAP**

LAT - 33°55'22.96" N

### PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 349 & 350, 18" DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE EAST END OF A CORNERED INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF ASHFORD DUNWOODY ROAD, (APPARENT 107' WIDTH), AND THE NORTHERLY RIGHT-OF-WAY LINE OF MEADOW LANE ROAD (APPARENT VARIABLE WIDTH); THENCE, LEAVING SAID POINT OF BEGINNING AND RUNNING WITH THE SAID LINE OF MEADOW LANE ROAD

- 1. SOUTH 84°39' 44" WEST, 24,00 FEET; THENCE
- 2. SOUTH 05°20' 16" EAST, 10.00 FEET: THENCE
- SOUTH 10°06' 16" EAST, 3.47 FEET: THENCE. 4. SOUTH 89°40' 43" WEST, 133.62 FEET: THENCE
- 196.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 4,634.13 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 89°06' 28" WEST.
- 6. NORTH 87°53' 39" WEST, 90.57 FEET, THENCE
- 7. NORTH 00°20' 08" EAST, 12.01 FEET TO A NAIL FOUND: THENCE.
- 8. NORTH 87°53' 39" WEST, 51.89 FEET; THENCE,
- 97.53 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,275.56 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 85°42' 13" WEST 97.51 FEET; THENCE
- 10. SOUTH 83"34" 25" WEST, 49,63 FEET; THENCE.
- 11. 45.62 FEET ALONG THE ARC OF A CURVE TO THE RIGHT. HAVING A RADIUS OF 1,287.56 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 80°20' 41" WEST 45.62 FEET TO A 5/8" CAPPED REBAR FOUND: THENCE, LEAVING THE AFORESAID RIGHT-OF-WAY AND RUNNING WITH THE LINE COMMON WITH 900 ATLANTA
- 12. NORTH 00°20' 08" EAST, 333,47 FEET, THENCE,
- 13. NORTH 44°53' 53" WEST, 160,13 FEET: THENCE
- 14. NORTH 45'06' 07" EAST, 182,92 FEET; THENCE,
- 15. 229.49 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 257.82 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 70°36' 07" EAST
- 16. SOUTH 83"53" 53" EAST, 163.98 FEET; THENCE,
- 17. 135.02 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 726.08 AND A CHORD BEARING AND DISTANCE OF SOUTH 89° 13' 32" EAST, 134.83 FEET TO A CAPPED 1/2" REBAR FOUND; THENCE,
- 18. NORTH 85°26' 50" EAST, 10,95 FEET: THENCE.
- 19 140.18 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 90.03 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 49°56' 44" EAST, 126,44 FEET: THENCE.
- 20. SOUTH 05°20' 16" EAST, 565.79 FEET TO THE CORNERED INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MEADOW LANE ROAD (APPARENT VARIABLE WIDTH) AND THE WESTERLY RIGHT-OF-WAY LINE OF ASHFORD DUNWOODY ROAD, (APPARENT 107 WIDTH), SAID INTERSECTION BEING THE POINT OF BEGINNING, CONTAINING 438,099 SQUARE FEET OR 10.0574 ACRES OF LAND, MORE OR LESS.

PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY RECORDED AND

### **PURPOSE STATEMENT**

THE PURPOSE OF THIS CONSOLIDATION PLAT IS TO CONSOLIDATE THE FIVE EXISTING TAX PARCELS INTO ONE PARCEL.

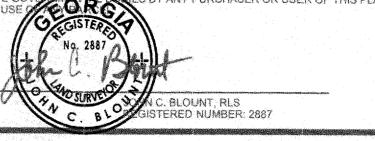
# CITY OF DUNWOODY PLAT APPROVAL

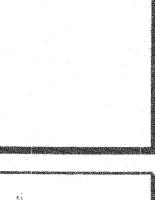
THIS PLAT HAS BEEN SUBMITTED TO AND ACCEPTED BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF DUNWOODY, GEORGIA AND COMPLIES WITH ALL ZONING, ENVIRONMENTAL, AND SUBDIVISION ORDINANCES AND REGULATIONS AND ALL APPLICABLE STATE AND

## SURVEYOR'S CERTIFICATE

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYÖR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE OCAL JURISDICTIONS THAT REQUIRE PRIOR APPROVAL FOR RECORDING THIS TYPE OF PLAT OR ONE OR MORE OF THE APPLICABLE LOCAL JURISDICTIONS DO NOT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR OFFICE OF THAT INDIVIDUAL, AND THE DATE OF APPROVAL ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON.

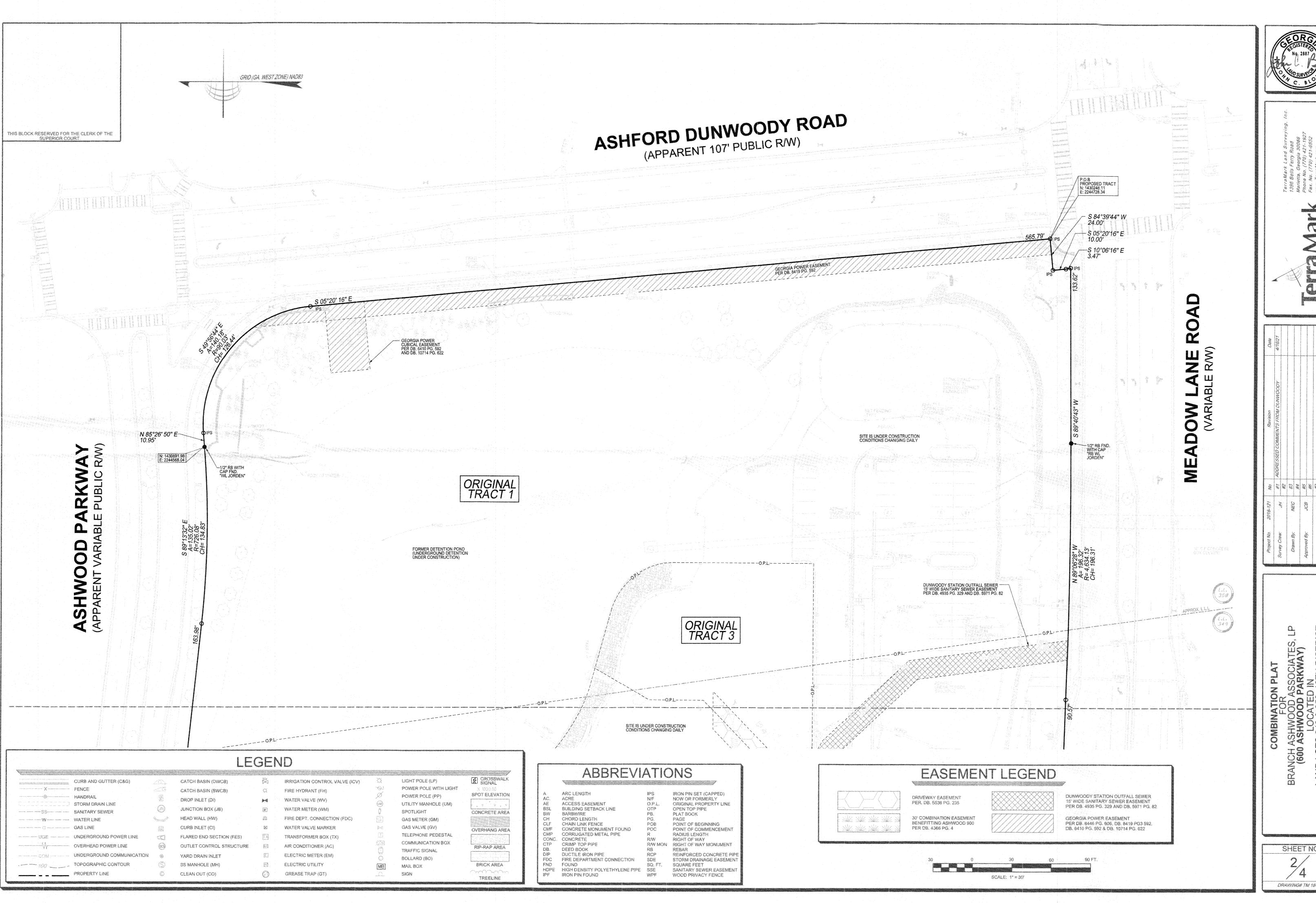
FOR ANY APPLICABLE LOCAL JURISDICTION THAT DOES NOT REQUIRE APPROVAL OF THI TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH APPROVALS, OR RESOLUTION NUMBERS SHOULD BE CONFIRMED WIT AFFIRMATIONS, OR ORDINANI THE APPROPRIATE OF S BY ANY PURCHASER OR USER OF THIS PLA AS TO INTENDED US

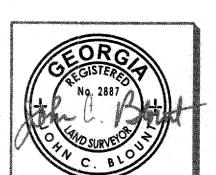




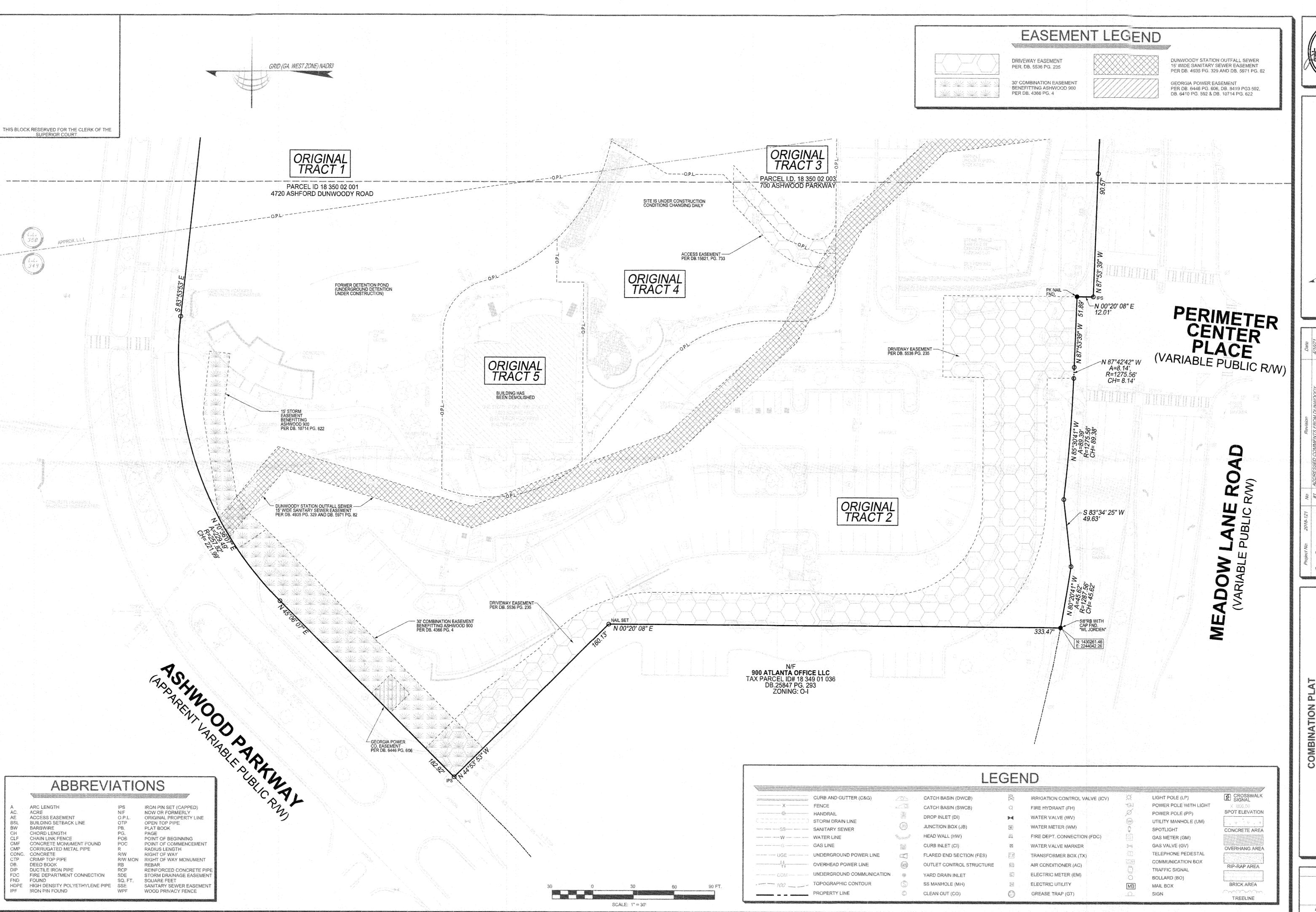
COMBINATION PLA FOR NCH ASHWOOD ASSOC (600 ASHWOOD PARK) LOCATED IN LOCATED IN D LOTS 349 & 350, 18TH UNWOODY, DEKALB CO

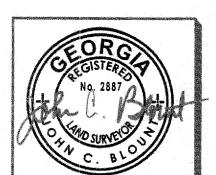
SHEET NO. DRAWING# TM 18-121





SHEET NO.





DRANCH ASHWOOD ASSOCIATES, ID	LAND LOTS 349 & 350, 18TH DISTRICT	CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA
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STATE OF GEORGIA CITY OF DUNWOODY

ORDINANCE 2019-06-12

AN ORDINANCE TO AMEND THE ZONING CONDITIONS OF LAND LOTS 352, and 349. District 18 IN CONSIDERATION OF ZONING CASE MA-19-01 (1250 MEADOW LANE ROAD, AND 500, 600, AND 700 ASHFORD).

WHEREAS: Branch Ashwood Associates, L.P., owner of 1250 Meadow Lane Road, and 500, 600, and 700 Ashwood Parkway, Dunwoody, Georgia seeks a major modification to conditions of zoning; AND

WHEREAS: The properties, consisting of tax parcel numbers 18-350-02-001, 18-350-02-003, 18-349-01-037, and 18-349-01-046, contains 10.1 acres land located in the northwest corner of Ashford Dunwoody Road and Meadows Lane: and

WHEREAS: The Properties, collectively known as Ashwood Restaurant Park are currently improved with 25,375 square feet of restaurant space; and

WHEREAS: The site is currently conditioned to a site-specific plan from 1996 that restricts the use to four (4) restaurants (CZ96-035). Through the application of a modification to conditions (Section 27-361), Branch Ashwood Associates, L.P. is requesting that the conditioned 1996 site plan be replaced entirely with the new plan; and

WHEREAS: The applicant has proposed replacing the current restaurant park with a development which will consist of a 25,440 square foot anchor supermarket, an 8-pump (16 fueling positions) gas station/convenience store, a 2,800 square foot bank, and 35,400 square feet of restaurant and retail space; and

WHEREAS: The applicant has also concurrently requested a variances related to 1) reduction in the front setback requirements, 2) a reduction in the interior side setback requirements, 3) an increase in the impervious lot coverage, and 4) and authorization for encroachment within in the city's 75-foot stream buffer; and

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

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

WHEREAS: The Mayor and City Council find that the proposed use aligns with the Perimeter Center Character Area of the Dunwoody Comprehensive Plan, which calls for, among others, creative building and site design that encourages bikeable and walkable development which furthers the transportation goals of modality (other than by automobile) and

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

connectivity of the Perimeter Center neighborhood; and

STATE OF GEORGIA **CITY OF DUNWOODY** 

ORDINANCE 2019-06-12

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

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby ORDAIN AND APPROVE the modification of zoning conditions on tax parcel numbers 18-350-02-001, 18-350-02-003, 18-349-01-037, and 18-349-01-046 as follows:

EXHIBIT A: Schematic Site Plan SP35, completed by Philips Partnership, dated May 29, 2019 EXHIBIT B: Streetscaping Sections, completed by Phillips Partnership, dated December 4, 2018 and Streetscape Section for Ashford Dunwoody Road dated January 14, 2019 EXHIBIT C: Rendering of Archway Sign and Grocer Free-standing Letters Sign, dated April 25, 2019

EXHIBIT D: Conceptual Gateway Plaza Plan, completed by AJC Design Group, dated April 24, 2019 EXHIBIT E: Left Turn Lane Concept, completed by A&R Engineering, dated April 17, 2019 EXHIBIT F: Meadow Lane Intersection, completed by Philips Partnership, dated May 13, 2019

1. The owner shall develop the site in general conformity with "Exhibit A" with minor changes allowed as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements made necessary by actual field conditions at the time of development;

2. The owner shall construct the streetscaping and commuter trail in general conformity with "Exhibit B". Any minor variations to the streetscapes made necessary by actual field conditions at the time of development shall be subject to approval by the Public Works and Community Development Department. If the width of the commuter trail is reduced by Public Works the location of the footprints of the buildings shall remain in the same vertical and horizontal location as shown on the Schematic Site Plan;

3. The owner shall construct a 12-foot wide pedestrian connection, including a 6-foot pedestrian sidewalk and two 3-foot wide landscape strips that connect from Ashford Dunwoody Road, between buildings C and D, to Building A as illustrated on Exhibit A. The landscape strips shall include overstory trees planted on each side at no more than 50 and no less than 25 feet; 4. The proposed bank shall be limited to the southwest guadrant of the site, as shown on

Exhibit A; no banks or free-standing financial services are otherwise allowed on the site; 5. Buildings shall be designed with 360 degree architecture with the exception of the rear of Building A and the anchor grocer, which shall be subject to reasonable landscape screening as approved by the City Arborist;

6. Major façade materials shall include brick, stone, hard coat stucco and glass, with other high quality materials approved by the Community Development Director during the

7. Synthetic stucco (EIFS) material shall be limited to accenting material; masonry brick or stone veneer materials are allowed; stamped brick and stone EIFS or imitation masonry veneer materials shall be prohibited;

8. All loading facilities and trash/recycling enclosure(s) must be screened from view of public rights-of-way by landscaping and a solid brick wall or opaque fence at least six feet in height or the height of the dumpster. The approach to the loading facilities and trash/recycling enclosures for the anchor grocer and Building A does not need to be screened from view of Ashwood Parkway;

9. All mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment) shall be roof mounted and screened in all directions by walls or parapets or will be enclosed in opaque structures to hide the mechanical equipment from

STATE OF GEORGIA CITY OF DUNWOODY

view from public right-of-way within 200 feet;

**ORDINANCE 2019-06-12** 

10. All utilities servicing the site shall be underground with the exception of required above ground elements, such as transformers and cable boxes; 11. Any stormwater detention facility will be underground;

12. Within sixty days after the issuance of certificates of occupancy, the Owner will convey to the City right-of-way to incorporate the sidewalk and bicycle improvements, located along Ashford Dunwoody Road. The City will maintain the sidewalk and bicycle improvements. Such conveyance shall be via right of way deed. The exact legal description of the property to be conveyed shall be prepared by the Owner and agreed to by the City;

13. Within sixty days after the issuance of certificates of occupancy, the Owner will convey a permanent public access easement to the City for the new roadway and sidewalks to be constructed on the west side of the site. Owner may convey the new roadway and sidewalks via right of way deed at a future date at which point the City shall accept such conveyance. The exact legal description of the property to be conveyed shall be prepared by the Owner and agreed to by the City;

14. The development is entitled to a total of four monument signs, one on each road frontage. The allowed square footage of 144 square feet for the monument sign for Ashford Dunwoody Road may be divided into two structures as follows: 1) an archway connecting Building B and Building C in general conformity with the renderings in Exhibit C and; 2) freestanding letters indicating the name of the anchor grocer mounted on top of the Plaza wall up to a total maximum height of 5 feet in general conformity with the rendering in Exhibit D. In addition, the Archway sign may include a 42 square foot wayfinding sign labeled as "Sign A" as shown in Exhibit C.;

15. The commuter trail, streetscaping, and new road connection, shall be developed concurrently with the grocery store and retail/restaurant buildings C and D, fronting Ashford Dunwoody Road;

16. The ground story restaurant/retail uses of buildings shall be built within three feet of vertical elevation of the adjacent commuter trail and have entrances that face Ashford Dunwoody Road as follows: buildings containing one tenant shall have a minimum of one entrance; buildings containing two or more tenants shall have a minimum of two

17. The Gateway Plaza, located on the corner of Meadow Lane Road and Ashford Dunwoody Road will be in general conformity with the Conceptual Gateway Plaza Plan attached as Exhibit C. Within sixty days after the issuance of certificates of occupancy, the Plaza area general public access will be granted to the Plaza through a public access easement to the benefit of the City;

18. The owner shall be responsible for the maintenance of the Plaza; 19. There shall be no minimum parking requirement for the undeveloped northern parcel of

20. In accordance with the recommendation of the traffic study, a westbound left turn lane

shall be added on Ashwood Parkway at the easternmost driveway entrance to the development in general conformity with Exhibit E; 21. Based on projected queue length, an eastbound left turn lane shall be installed at

Ashwood Parkway and Ashford Dunwoody Road using existing signal phasing and in general conformity with Exhibit E. Applicant will not be responsible for any signal work; 22. A southbound right turn lane shall be added at the Intersection of Perimeter Center Place

and Meadow Lane Road using existing signal phasing and in general conformity with Exhibit F. Applicant will not be responsible for any signal work; 23. The owner will contribute up to one-third of the funds needed to extend the northbound

left turn lane from Ashford Dunwoody Road on to Meadow Lane Road. In no event shall the total of such contribution exceed \$33,000; and 24. The future development area labeled "OP-1" on Exhibit A shall be grassed until future

development occurs. In addition, a temporary pocket park will be provided as labeled on

25,440 SF

15,400 SF

20,000 SF

STATE OF GEORGIA CITY OF DUNWOODY

**ORDINANCE 2019-06-12** 

Exhibit A that may be removed when future development occurs.

SO ORDAINED AND EFFECTIVE, this the 10th day of June, 2019.

Approved as to Form and Content

COMMUTER

RETENTION

SIDEWALK

STAIR /RAMP

LOCATION

RETENTION

PROPOSED

MEDIAN BREAK

TH DISTRICT COUNTY, GEO COMBINA LAND LOTS OF DUNWOOD BRANCE TO See

SHEET NO. DRAVVING# TM 18-121

Dunwood Community Development

4800 Ashford Dunwoody Road Dunwoody, GA 30338. Phone: (678) 382-6800 -dunwoodvea.co

July 15, 2019

Branch Ashwood Associates, L.P. c/o Laurel David, The Galloway Law Group, LLC 3500 Lenox Road, Suite 760 Atlanta, GA 30326

RE: ZBA 19-11 - Variance Application for Ashwood Retail Center

To Whom It May Concern:

This letter serves to inform you that at the Zoning Board of Appeals Meeting on July 11, 2019, your application for variances from Chapter 16, Section 16-78 and Chapter 27, Section 27-73 was approved with conditions:

1. Construction must be in compliance with the conditions established in MA 19-01 as approved by Mayor and City Council on June 10, 2019, or later as amended.

Please attach this approval to all future permit requests. This does not serve as your construction permit approval. Contact the Community Development Department for information regarding permitting at 678-382-6800.

Should you have any questions, please contact me at (678) 382-6800.

Sincerely,

Konsta J. Kunty Ronnie Kurtz

Planner II City of Dunwoody, Georgia Cc: ZBA File

CONVENIENCE STORE 5,411 SF 2,800 SF TOTAL RETAIL AREA 69,051 SF PARKING SUMMARY 1.05 ACRES ANCHOR PARKING REQ'D (4.0 / 1000 SF) 102 SPACES 1 J5 411 S RETAIL PARKING REQ'D (4.0 / 1000 SF) 62 SPACES RESTAURANT PARKING REQ'D (6.67 / 1000 SF) 134 SPACES C-STORE PARKING REQ'D 34 SPACES (4.0 / 1000 SF + 3 PER SERVICE BAY) BANK PARKING REQ'D (3.3 / 1000 SF) 10 SPACES TOTAL PARKING REQUIRED 342 SPACES TOTAL PARKING PROVIDED 360 SPACES TOTAL PARKING RATIO PROVIDED 5.21 /1000 PRIVATE DRIVE W/ ANCHOR GROCER **PUBLIC ACCES** EASEMENT SITE DATA TOTAL SITE ACREAGE BLDG A +/- 10.06 AC. REST. / SITE ACREAGE ( MINUS PRIVATE DRIVE AND +/- 8,98 AC. PERIMETER STREETSCAPE IMPROVEMENTS) REST TOTAL IMPERVIOUS ACREAGE\* +/- 7.54 AC. **EXISTING** 83.9% BUILDING IMPERVIOUS SIDEWALK/PATIOS/AMENITY AREAS\* +/- 0.69 AC. 7.7% BLDG B1 BLDG B2 PERCENTAGES BASED OFF OF SITE ACREAGE MINUS PRIVATE RESTAURANT RESTAURANT DRIVE AND PERIMETER STREETSCAPE IMPROVEMENTS / RETAIL 7,000 SF<sub>200</sub> / RETAIL 7,000 SF MEADOW LANE

ASHWOOD PARKWAY

**BUILDING SUMMARY** 

ANCHOR (GROCER)

RETAIL

RESTAURANT

PERIMETER MARKETPLACE ASHFORD DUNWOODY ROAD DUNWOODY, GA

JOB NUMBER:1617702 DATE: 2019-05-29 BY: WHH / KMC DRAWING: SCHEMATIC SITE PLAN (SP-35)

PHILLIPS ARCHITECTURE • CONSULTANTS 5901 PEACHTREE DUNWOODY RD . SUITE A450 · ATLANTA, GA 30328 • 770.394.1616

# THIRD AMENDMENT APPLICATION FOR MAJOR AMENDMENT CITY OF DUNWOODY, GEORGIA

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)	RE: RZ 21-03
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COMES NOW the Applicant and respectfully requests that the above-referenced Application for Major Amendment be amended by incorporating into the Application the following:

(1)

The enclosed Site Plan dated March 4, 2022, in lieu of previously submitted site plans, as if originally filed with the Application.

WHEREFORE, the Applicant requests that the City of Dunwoody accept this Amendment; that the Application be amended in accordance with this Amendment; and that the Applicant have such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

THE GALLOWAY LAW GROUP, LLC

Laurel David

Attorney for the Applicant

4062 Peachtree Road, Suite A 330 Atlanta, Georgia 30319

