

August 13, 2024

Planning Commission MINUTES

The Planning Commission of the City of Dunwoody held a meeting on August 13, 2024 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, Dunwoody Hall, 4800 Ashford Dunwoody Road, Dunwoody, Georgia 30338. Present for the meeting were the following:

Voting Members: Thomas O'Brien, Chair
 Scott Brown, Commissioner
 Deb Cameron, Commissioner
 Jackie Edmundson, Commissioner
 Debbie Gordon, Commissioner
 Elizabeth Shin, Commissioner
 Alex Wallach, Commissioner

Also Present: Richard McLeod, Community Development Director
 Paul Leonhardt, Planning and Zoning Manager
 Allegra DeNooyer, Planner II

A. CALL TO ORDER

Commissioner O'Brien called the meeting to order.

B. ROLL CALL

C. MINUTES

1. Approval of the July 9, 2024 Meeting Minutes

Commissioner Wallach motioned to approve the minutes, Commissioner Shin seconded, motion passed.

Passed:

For: 5 (Edmundson, Gordon, O'Brien, Shin, Wallach)

Against: 0;

Abstain: 0;

Absent: 2 (Brown, Cameron).

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Paul Leonhardt gave a summary of recent City Council actions, including the community residences and recovery communities text amendment and the new comprehensive plan and new unified development ordinance.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

2. SLUP 24-01, 140 Perimeter Center W: The applicant, Starbucks Coffee Company c/o Gaskins + LeCraw, requests a Special Land Use Permit to allow a drive-through facility.

Allegra DeNooyer presented on behalf of staff.

Dani Blumenthal, on behalf of the applicant, presented in favor of the project.

The Planning Commission asked clarifying questions about the location of the drive-through, the intersection with Perimeter Center W, the public notification process, the MARTA easement, the pedestrian walkways, stormwater, circulation, loading zones, queuing, pedestrian access, stacking spaces, and other tenants in the shopping center. Staff and the applicant responded.

Commissioner Edmundson moved to approve SLUP 24-01 as written with staff conditions, with the stipulation that Gaskins + LeCraw will take a look at the entrance/exit on Perimeter Center W to ensure good access, Commissioner Gordon seconded, motion passed.

Passed:

For: 7 (Brown, Edmundson, Cameron, Gordon, O'Brien, Shin, Wallach)

Against: 0;

Abstain: 0;

Absent: 0.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. COMMISSION COMMENT

J. ADJOURN

Commissioner O'Brien adjourned the meeting.

Approved By: _____, Chair

Attest: _____, Secretary

MEMORANDUM

To: Planning Commission

From: Madalyn Smith, Senior Planner

Date: October 8, 2024

Subject: RZ 24-02 – 2480, 2526 Mount Vernon Road & 2495 Jett Ferry Road,
Parcel ID# 06 339 05 004, 06 339 05 003, & 06 339 05 001

REQUEST

Branch Mount Vernon Associates LP requests a rezoning from NS (Neighborhood Shopping) to C-1 (Local Commercial) to increase the number of allowed uses within the existing shopping center.

APPLICANT

Property Owner: Branch Mount Vernon Associates LP	Petitioner: Branch Mount Vernon Associates LP	Representative: Laurel David, The Galloway Law Group LLC
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BACKGROUND & PROPOSED DEVELOPMENT



Fig. 1: Subject site, outlined in red

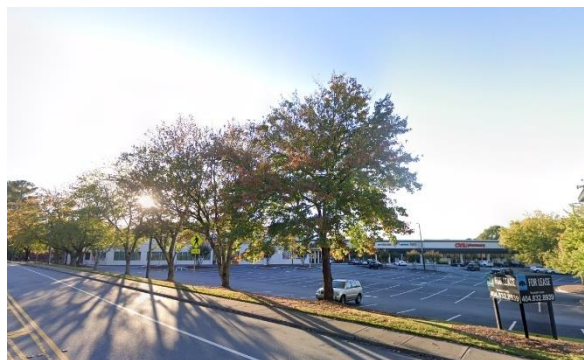


Fig. 2: Existing Shopping Center

The site consists of three parcels (Fig. 1) bounded by Dunwoody Club Drive, Mount Vernon Road, and Jett Ferry Road; its current use consists of a shopping center and stand-alone bank. The shopping center spans two parcels, 2495 Jett Ferry Road and 2480 Mount Vernon Road. 2495, at the intersection of Jett Ferry and Dunwoody Club, is currently home to a pharmacy chain, salons, a vet, and other neighborhood-serving businesses. 2480, near the intersection of Mount Vernon and Jett Ferry, currently has no tenants but has previously been home to a pet supply store and several grocery chains. 2526 Mount Vernon Road is currently developed with a single office building, used as a drive-through bank.

The applicant seeks permission to rezone the property from NS to C-1, with all existing buildings to remain and no new construction proposed. Exterior improvements to the site include additional landscaping islands in the parking lot, allowing more trees to be planted. The applicant's stated purpose for the request is to attract a greater diversity of uses to the sites. The applicant has also provided an amended allowed use table for the C-1 district which would restrict the number of allowed uses (see Exhibit A).

SITE PLAN ANALYSIS



Fig. 3: Plan for parking lot improvements

The only changes to the site proposed by the applicant consist of minor improvements to the parking lot by adding new landscape islands and removing several parking spaces that currently encroach into the right-of-way on Dunwoody Club Drive. Additionally, as part of the site review, the Public Works Department determined that no additional right-of-way is required to accommodate future streetscape improvements.

SURROUNDING LAND ANALYSIS

Direction	Zoning	Use	Current Land Use
N	Sandy Springs	Commercial	Grocery Store and Shopping Center
S	R-100	Residential	Single-family residential
E	R-100	Residential	Single-family residential
W	C-1 NS	Commercial Neighborhood Commercial	Office and Shopping Center

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;
- (2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
- (3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (4) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (5) Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;
- (6) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and
- (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 current zoning of this property is Neighborhood Shopping (NS). The proposed zoning district is Local Commercial (C-1). The proposed amendment is consistent with the Comprehensive Plan. The Mount Vernon Character Area encourages mixed-use development and redevelopment of existing vacancies; the proposed amendment would allow for a greater mix of uses, and per the applicant, allow existing vacancies on the subject site better opportunity to be filled. The Future Land Use Map designates the subject sites as Commercial, thus C-1 is an appropriate zoning district.

As part of their application, the applicant has provided an amended allowed use table for their subject properties. This amended table (see Exhibit 1) restricts the commercial uses within the C-1 district that would be out-of-character with the surrounding shopping centers and residential neighborhoods, such as car dealerships and construction supplies. Please see Exhibit 1 for a comparison of the allowed uses list for the NS, C-1, and applicant-amended C-1 districts. An increased diversity of allowed uses, per the applicant, will allow vacancies to be filled. The C-1 zoning district would allow the applicant to consider uses such as indoor recreation for sports like pickleball. Activating existing vacant store fronts would benefit the shopping center and surrounding uses.

To staff's knowledge, there are no historical or archaeological resources on the subject site. The proposal would not be burdensome to existing streets, transportation facilities, utilities, or schools—the existing buildings would remain the same and the property would continue to be used for a mix of commercial purposes.

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee provides a staff recommendation. The Committee consists of members from the offices of City Management, Community Development, Planning and Zoning, Public Works, and Economic Development. Members present at the September 11th meeting include: Eric Linton, Richard McLeod, Paul Leonhardt, Michelle Hirose, and Michael Starling.

At the September 11th filing meeting, the committee voted unanimously to recommend approval of the request RZ 24-02.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Based on the above analysis and findings, staff has determined that the requested rezoning meets the requirements of Chapter 27, §27-335. Therefore, staff recommends the application RZ 24-02, to rezone the subject site from NS to C-1, be approved subject to the following exhibit(s) and condition(s):

Exhibit A: Permitted and Prohibited Uses

Exhibit B: Site Survey

Exhibit C: Schematic Site Plan, titled “Plan – Site Improvements,” completed by Branch, received September 30, 2024

1. Uses marked in red in Exhibit A are prohibited on site in addition to those uses already prohibited in the C-1 district in the Zoning Ordinance and marked in yellow as “-“. Uses marked in yellow with a “P” are uses permitted as of right.
2. Development of the site shall be substantially consistent to the existing conditions, per the site survey (Exhibit B), with minor changes to improve the parking lot (Exhibit C) and minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.
3. The owner shall complete the parking lot improvements, including removing the six parking spaces encroaching into the Dunwoody Club Drive right-of-way, before the issuance of a Certificate of Occupancy for the building marked on Exhibit C as “Ex. Bldg. Retail”. If no Certificate of Occupancy is requested within 1 year of the approval of the requested zoning amendment, the property owner shall have 1 additional year to complete the parking lot improvements. The six parking spaces removed may be redistributed on-site; the redistributed spaces will not increase the extent of nonconformity of any development features of the existing parking lot, including the maximum number of parking spaces allowed.

ATTACHMENTS

- Allowed Uses Comparison
- Public Comments
- Application, RZ 24-02
- Exhibit A
- Exhibit B
- Exhibit C

*Yellow demarcates the use categories that were amended by the applicant.

Use	NS	C-1, per Zoning Code	C-1, amended by the Applicant*
Detached house	-	-	-
Multi-unit building	-	-	-
Mixed-use building, vertical	-	-	-
Convent and monastery	-	-	-
Fraternity house, sorority house or residence hall	-	-	-
Nursing home	-	-	-
Community Residence	P	P	P
Recovery Community	P	P	P
Child caring institution (1—6 persons)	P	P	P
Child caring institution (7—15 persons)	P	P	P
Child caring institution (16 or more)	P	P	P
Community living arrangement (1—4 persons)	-	P	-
Shelter, homeless	-	P	-
Transitional housing facility	-	P	-
Party House	-	A	-
Ambulance Service	-	P	-
Club or Lodge, Private	-	P	P
Cultural Exhibit	-	P	P

Day care facility, adult (6 or fewer persons)	-	-	-
Day care center, adult (7 or more)	P	P	P
Day care facility, child (6 or fewer persons)	-	-	-
Day care center, child (7 or more)	P	P	P
College or university	-	-	-
Kindergarten	P	P	P
Research and training facility, college or university affiliated	-	-	-
School, private elementary, middle or senior high	-	P	P
School, specialized non-degree	-	P	P
School, vocational or trade	-	P	P
Hospital	-	-	-
Place of Worship	P	P	P
Utility Facility, Essential	E	P	P
Body art service	-	-	-
Sexually oriented business	-	-	-
Animal care/boarding	S	P	P
Animal grooming	P	P	P
Animal hospital/veterinary clinic	P	P	P
Radio and television broadcasting stations	-	P	-
Recording studios	-	P	-
Telecommunication tower	S	A	-

Telecommunication antenna, co-located	P	P	P
Building or construction contractor	-	-	-
Commercial greenhouse or plant nursery	-	-	-
Electrical, plumbing and heating supplies and services	-	P	-
Lumber, hardware or other building materials establishment	-	P	-
Microbrewery	P	P	P
Wine Specialty Shop	P	P	P
Distillery	P	P	P
Brewery	-	-	-
Restaurant, accessory to allowed office or lodging use	-	P	P
Food truck	P	P	P
Other eating or drinking establishment	P	P	P
Auditorium or stadium	-	-	-
Drive-in theater	-	-	-
Movie theater	-	-	-
Special events facility	-	P	P
Banks, credit unions, brokerage and investment services	P	P	P
Convenient cash business	-	-	-
Pawn shop	-	-	-
Liquor store (as principal use)	-	P	P

Liquor store (accessory to lodging or 3+ story office)	-	-	-
Other food and beverage retail sales	P	P	P
Cemetery, columbarium, or mausoleum	-	-	-
Crematory	-	-	-
Funeral home or mortuary	-	P	-
Lodging	-	P	-
Home health care service	-	-	-
Hospice	-	-	-
Kidney dialysis center	-	-	-
Medical and dental laboratory	-	P	P
Medical office/clinic	P	P	P
Office or Consumer Service	P	P	P
Parking, Non-accessory	-	P	-
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	P	P
Other personal improvement service	-	P	P
Laundromat, self-service	P	P	P
Laundry or dry cleaning drop-off/pick-up	P	P	P
Other consumer repair or laundry service	P	P	P
Research and Testing Services	-	-	-

Retail sales of goods produced on the premises	-	-	-
Shopping Center	P	P	P
Other retail sales	P	P	P
Golf course and clubhouse, private	-	-	-
Health club	P	P	P
Private park	-	-	-
Recreation center or swimming pool, neighborhood	-	-	-
Recreation grounds and facilities	-	-	-
Tennis center, club and facilities	-	P	P
Other participant sports and recreation (Indoor)	-	P	P
Other participant sports and recreation (Outdoor)	-	-	-
Car wash	-	P	-
Gasoline sales	-	P	-
Vehicle repair, minor	-	P	-
Vehicle repair, major	-	-	-
Vehicle sales and rental	-	S	-
Vehicle storage and towing	-	-	-
Drive-through facility	S	S	-
Manufacturing and Production, Light	-	-	-
Warehousing and storage	-	-	-
Self-storage warehouse	-	-	-

Storage yard and truck terminal	-	-	-
Agricultural produce stand	-	-	-
Community garden	P	P	P
Crops, production of	-	-	-
Heliport	-	S	-
Stations and terminals for bus and rail passenger service	-	-	-
Taxi stand and taxi dispatching office	-	P	-

Amendment & Special Land Use Permit Application Packet



Community Development

4800 Ashford Dunwoody Road
Dunwoody, GA 30338
dunwoodyga.gov

The requirements of this application apply to comprehensive plan land use map amendments, zoning map amendments, zoning ordinance text amendments, major amendments to one or more conditions attached to previously approved zoning map amendments, and special land use permits. If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, they can request a concurrent variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of the building placement, setback yard, transitional buffer, landscape strip, parking and loading or other regulations, 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, see Page 12)	1 electronic copy
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 submittal deadline, to be placed on the soonest Planning Commission agenda, is the first Tuesday of the month by 4 PM.

Application Form


Purpose of Application (check all that apply):

- ☐ Comprehensive Plan Land Use Map Amendment []
☒ Zoning Ordinance Text Amendment
☒ Zoning Map Amendment []
☐ Special Land Use Permit
☐ Major Modification of Zoning Conditions

Community Development

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

Application Information

Company Name: Branch Mount Vernon Associates LP
 Contact Name: c/o Laurel David, The Galloway Law Group LLC
 Address: 4062 Peachtree Rd. NE, Suite A330, Atlanta, GA 30319
 Phone: 404-965-3669 Email: laurel@glawgp.com
 Pre-Application Conference Date: 7/31/24

Owner Information [X] Check here if same as applicant

Owner's Name: Branch Mount Vernon Associates LP
 Owner's Address: 3340 Peachtree Rd. NE, Suite 2775, Atlanta GA 30326
 Phone: 404-965-3669 Email: laurel@glawgp.com

Property Information

Property Address(es): 2480 and 2526 Mt. Vernon Rd and 2482,2484, 2488,2492,2494,2495, 2496,2500,2502,2510 Jett Ferry Rd
 Parcel ID #(s): 06 339 05 001/003/004
 Total Acreage: 5.76 Current Zoning Classification: NS Current Use: shopping center

Project Information

Proposed Zoning Classification: C-1 Proposed Use: shopping center
 Project Details: rezoning of existing Shopping Center from NS to C-1 to increase diversity of tenant mix and
allow internal improvements only. No external changes to buildings or parking proposed at this time

Applicant Affidavit

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

Applicant's Name: Jack Haylett

Applicant's Signature: Jack Haylett Date: 08/06/2024

Digitally signed by Jack Haylett
 DN: cn=Jack Haylett, o=Branch
 Properties, ou,
 email=jhaylett@branchprop.com,
 c=US
 Date: 2024.08.06 11:29:00 -0400

Notary:

Sworn to and subscribed before me this 6th Day of August, 2024

Notary Public: Jared Joella

Signature: Jared Joella

My Commission Expires: 08/24/2024





Property Owner(s) Notarized Certification

Community Development

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

Property Owner:

Owner Name: Branch Mount Vernon Associates LP

Signature: Jack Haylett Digitally signed by Jack Haylett
DN: cn=Jack Haylett, o=Branch Mount Vernon Associates LP, email=jhaylett@branchmountvernon.com, c=US Date: 08/06/2024

Address: 3340 Peachtree Rd. NE, Suite 2775, Atlanta GA 30326

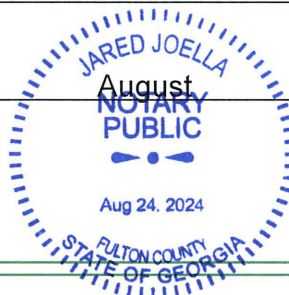
Phone: 404-965-3669 Email: laurel@glawgp.com

Notary Public: Jared Joella

Sworn to and subscribed before me this 6th Day of August, 2024

Notary Signature: 

My Commission Expires: 08/24/2024

**Property Owner:**

Owner Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____

Property Owner:

Owner Name: _____

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Notary Public: _____

Sworn to and subscribed before me this _____ Day of _____, 20____

Notary Signature: _____

My Commission Expires: _____



Community Development

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

Campaign Disclosure Ordinance

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

GA Citation/Title

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

*38069 Code, 36-67A-3

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

(Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- 1) The name and official position of the local government official to whom the campaign contribution was made; and
- 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:

- 1) The name and official position of the local government official to whom the campaign contribution was made; and
- 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

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

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

Campaign Disclosure Ordinance

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

☐ YES ☒ NO

Digitally signed by Jack Haylett
DN: cn=Jack Haylett, o=Branch
Properties, ou,
email=jhaylett@branchprop.com,
c=US
Date: 2024.08.06 11:30:54 -0400

Date: 08/06/2024

Address: Branch Mount Vernon Associates LP, 3340 Peachtree Rd. NE, Suite 2775, Atlanta GA 30326

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

[illegible]

Community Development

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

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

☐ YES ☒ NO

Applicant/Owner

Signature: Laurel Davis

Date: 8/6/2024

Address: The Galloway Law Group 4062 Peachtree Rd. NE, Suite A330, Atlanta GA 30319

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

[illegible]

PUBLIC PARTICIPATION REPORT
APPLICATION FOR REZONING

Branch Mount Vernon Associates LP (“Branch”) submits a Rezoning for approximately 5.76 acres of land 2480 and 2526 Mt. Vernon Rd and 2482, 2484, 2488, 2492, 2494, 2495, 2496, 2500, 2502, 2510 Jett Ferry Rd. (the “Property”). In accordance with Section 27-306 of the Dunwoody Zoning Ordinance, Branch hosted a Public Information Meeting on Wednesday, July 31, 2024 at 6:30 P.M., at the Property. Branch advertised this meeting by submitting a classified ad to The Dunwoody Crier (see attached). Branch also mailed approximately 190 letters to owners of residentially zoned property within 1,000 feet of the Property using a mailing list provided by the Dunwoody Community Development. Approximately 60-80 people attended the meeting.

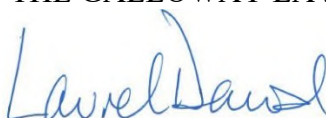
Below is a brief summary of the discussion:

1. The proposed rezoning is to allow more types of tenants to lease existing buildings, particularly to allow an indoor participant sports use to lease the existing former Lidle/Sprouts building.
2. There was much discussion as to the failure of Lidle and Sprouts at this location. In addition, Branch representatives gave a brief history of their efforts to attract other grocery tenants at the Property, but other grocery brands were not interested.
3. The rezoning to allow additional uses at the shopping center is the only change proposed at this time. However, the Applicant is requesting the rezoning to allow more flexibility in tenant mix that would help revitalize the shopping center so that other existing buildings on the Property might be improved in the future.
4. The change will not affect the proposed private drive connections or street access points.
5. There was much discussion about the types of uses allowed by C-1 zoning and those desired and not desired by the neighborhood.

Branch committed to have future discussions with City staff and elected officials to create a list of uses that would not be allowed on the Property.

Sincerely,

THE GALLOWAY LAW GROUP



Laurel A. David
Attorney for Applicant

4062 Peachtree Road, NE, Suite A330
Atlanta, Georgia 30319
(404) 965-3669

EXHIBIT A – DUNWOODY CRIER NEWSPAPER AD



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Dunwoody Crier** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(770) 442-3278**.

Notice ID: HbtU8qB4FIokUQrEKcw9 | **Proof Updated: Jul. 10, 2024 at 03:00pm EDT**
 Notice Name: Mt Vernon information meeting | Publisher ID: 45799

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

L david
 ladavid770@gmail.com
 (770) 337-1883

FILING FOR

Dunwoody Crier

Columns Wide: 2 **Ad Class:** Legals
Total Column Inches: 3.9
Number of Lines: 12

07/18/2024: Non-Legal 69.45
 Advertisement/Public Notice Notice

Subtotal	\$69.45
Tax	\$0.00
Processing Fee	\$11.95
Total	\$81.40

NOTICE OF COMMUNITY MEETING
2480 and 2526 Mt Vernon Rd. and 2495 Jett Ferry Rd.

Applicant: Branch Mount Vernon Associates LP

Reason for Meeting: Applicant is seeking a rezoning to allow for a more diverse tenant mix in existing buildings

Location of Meeting: former Lidl/Sprouts store at 2480 Mt. Vernon Road, Dunwoody, GA 30338

Date and Time: July 31, 2024 at 6:00pm

DESCRIPTION OF PROPERTY:

All that tract or parcel of land lying and being in Land Lot 339 of the 6th District, City of Dunwoody, DeKalb County, Georgia and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the southwestern right of way line of Dunwoody Club Drive (80 foot right of way at this point), also known as Old Lawrenceville Road, and the northwestern right of way line of Mount Vernon Road (100 foot right of way at this point); thence proceeding along said right of way line of Mount Vernon Road the following courses and distances: South 51 degrees 11 minutes 00 seconds West a distance of 55.20 feet to a 1/2 inch rebar found, South 50 degrees 28 minutes 00 seconds West a distance of 499.91 feet to a point and South 51 degrees 26 minutes 00 seconds West a distance of 201.24 feet to a 1/2 inch rebar found on the line common to Land Lot 339 of the 6th District and Land Lot 373 of 18th District, said line being also the northeastern property line of JBA Holdings, LLC, as recorded in Deed Book 17733, Page 94; thence leaving Mount Vernon Road and proceeding with the property line of JBA Holdings, LLC, as recorded in Deed Book 17733, Page 94, along the line common to Land Lot 339 of the 6th District and Land Lot 373 of 18th District North 46 degrees 30 minutes 00 seconds West a distance of 133.06 feet to a 1/2 inch rebar found on the eastern right of way line of Jett Ferry Road (variable right of way width); thence proceeding along said right of way line of Jett Ferry Road the following courses and distances: North 02 degrees 14 minutes 00 seconds East a distance of 85.61 feet to a point, North 00 degrees 26 minutes 00 seconds East a distance of 60.44 feet to a point and North 00 degrees 18 minutes 00 seconds West a distance of 489.04 feet to a 1/2 inch rebar found on the southwestern right of way line of Dunwoody Club Drive (80 foot right of way at this point); thence proceeding along said right of way line of Dunwoody Club Drive the following courses and distances: South 64 degrees 59 minutes 00 seconds East a distance of 359.75 feet to a point, South 67 degrees 00 minutes 00 seconds East a distance of 51.05 feet to a point, South 69 degrees 18 minutes 00 seconds East a distance of 51.17 feet to a nail found, South 71 degrees 47 minutes 00 seconds East a distance of 51.39 feet to a nail found, South 74 degrees 59 minutes 00 seconds East a distance of 51.15 feet to a nail found, South 76 degrees 06 minutes 00 seconds East a distance of 51.11 feet to a nail found, South 79 degrees 32 minutes 00 seconds East a distance of 51.63 feet to a 1/2 inch rebar found, South 82 degrees 45 minutes 00 seconds East a distance of 51.65 feet to a 1/2 inch rebar found and South 86 degrees 16 minutes 00 seconds East a distance of 10.51 feet to a 1/2 inch rebar found, said point being the Point of Beginning.

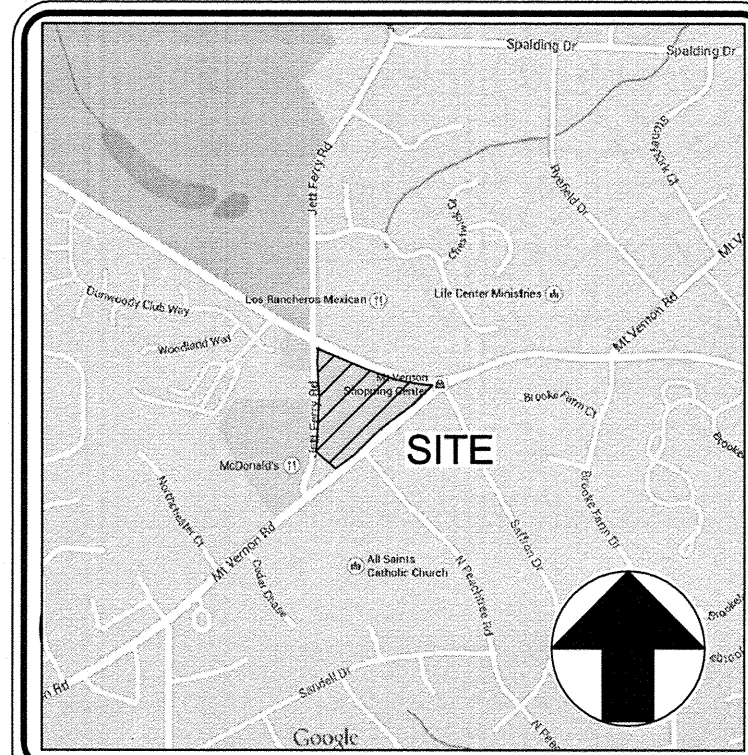
REFERENCE PLATS:

- ALTA/ACSM Land Title Survey for Powell Goldstein LLP, Morgan Stanley Mortgage Capital, Inc., and Chicago Title Insurance Company prepared by Travis Pruitt & Associates, Inc., dated September 5, 2006 last revised September 12, 2006. (FN:149-D-004)
- Site plans for JP Morgan Chase Bank, MT Vernon Rd & Dunwoody Club Dr. by Travis Pruitt & Associates, Inc., dated June 16, 2014. (FN:156-D-026)

TITLE EXCEPTIONS

This survey relied upon information contained within a title commitment number 0-132/1378 prepared by First American Title Insurance Company with an effective date of March 11, 2016 with respect to the property surveyed described in "Exhibit A", and the exceptions listed in "Schedule B - Section 2":

- Easement to Georgia Power Company recorded in Deed Book 6745, Page 33.
Comment: Blanket easement with no specific plottable elements affects the subject property.
- Declaration of Easement recorded in Deed Book 7650, Page 563, as amended and recorded in Deed Book 23633, Page 257.
Comment: Declaration affects the subject property. Drainage Facilities Easement is shown on the survey. Access, Sewer and Utility Easements are blanket and not plottable.
- Easement to Georgia Power Company recorded in Deed Book 9205, Page 411.
Comment: Blanket easement with no specific plottable elements affects the subject property.
- Easement to Georgia Power Company recorded in Deed Book 9205, Page 412.
Comment: Blanket easement with no specific plottable elements affects the subject property.
- Rights of tenants as described in "Exhibit B".
Comment: Exhibit B not provided.
- Memorandum of Lease recorded in Deed Book 23633, Page 266.
Comment: Lease line is shown on the survey.
- Short Form Memorandum Notice of Lease recorded in Deed Book 24717, Page 556.
Comment: Lease Premises are situated on the subject property with no specific plottable locations.
- Lease Agreement between L. Judson Akin No. Seven, LLC, and SFM, LLC, a/k/a Sprouts, dated September 26, 2013, as amended.
Comment: Record not provided.



LOCATION MAP

not to scale

SITE ADDRESS:

2480-2526 Mt. Vernon Road, Dunwoody, GA 30339

SITE AREA:

5.76 acres or 250,842 square feet

ZONING: NS

Front Yard: 50' - (30' VARIANCE GRANTED)
Side Yard: 20' INTERIOR LOTS
Rear Yard: 20'

This information is reported from information obtained from THE PLANNING AND ZONING RESOURCES CORP. Site# 81533-1, dated on February 25, 2015. It is not the intent of the surveyor to interpret or make conclusions regarding the zoning designation shown herein.

PARKING SUMMARY:

Regular Parking Spaces: 317
Handicap Parking Spaces: 9
Total Parking Spaces: 325

NOTES:

- This survey is a retracement survey of an existing tract. This survey is not intended to create new tracts of land or change existing tracts of land. This survey is not a subdivision plot and has not been approved by the correct jurisdictional authorities.
- This plot was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use does not extend to any unnamed person without express permission by the surveyor naming said person.
- Unless otherwise specified, all distances as shown are horizontal ground distances in U.S. survey feet (39.37 inches = 1 meter). The project horizontal datum is relative to the North American Datum 1983 (NAD83). 2011 adjustment, projected to the Georgia State Plane Coordinate System, West zone. The vertical datum is relative to the North American Vertical Datum of 1988 (NAVD88) using the National Geodetic Survey (NGS) Geoid 2012A.
- Flood Hazard Note:
By graphic centering only, this property DOES NOT lie within a 100 year flood hazard zone as defined by the F.E.M.A Flood Insurance Rate Map of DeKalb County, Georgia and is incorporated areas map number 13089C00101, effective date MAY 16, 2013.
- The edge of the Mt. Vernon Road right of way is the southerly boundary of the property, (i) the edge of the Jet Ferry Road right of way is the northwesterly boundary of the property and (ii) the edge of the Dunwoody Club Drive a/k/a Old Lawrenceville Road right of way is the southeasterly boundary of the property.

CERTIFICATION:

This is to certify that this survey was made under my supervision and is a true representation of the land surveyed. The field data upon which this survey is based has a closure precision of one foot in 17,059 feet, and an angular error of 1" per angle point, and was adjusted using the compass rule method. Angular and linear measurements were made using a Leica TS 15 Robotic Total Station. A portion of this survey was performed using Leica GS 15 GPS receivers with network adjusted real time kinematic measurements referenced to the eGPS network. The GPS survey included redundant measurements with positional accuracy better than 0.07'. This map or plat has been calculated for closure and is found to be accurate within one foot in 162,152 feet.

To Branch Mount Vernon Associates, LP, a Delaware limited partnership, Wilmington Trust, National Association, as Trustee, for the benefit of the Holders of COMM 2015-PC1 Mortgage Trust Commercial Mortgage Pass-Through Certificates and First American Title Insurance Company. This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 16, 17 and 20(\$5,000,000) of Table A thereof. The fieldwork was completed on March 23, 2016.

Jaime F. Higgins 9-23-2016 Date
Jaime F. Higgins
Georgia Reg. Land Surveyor No. 2802
For the Firm Travis Pruitt & Associates, Inc.

UTILITY STATEMENT:

- There may be underground utilities not shown on the survey.

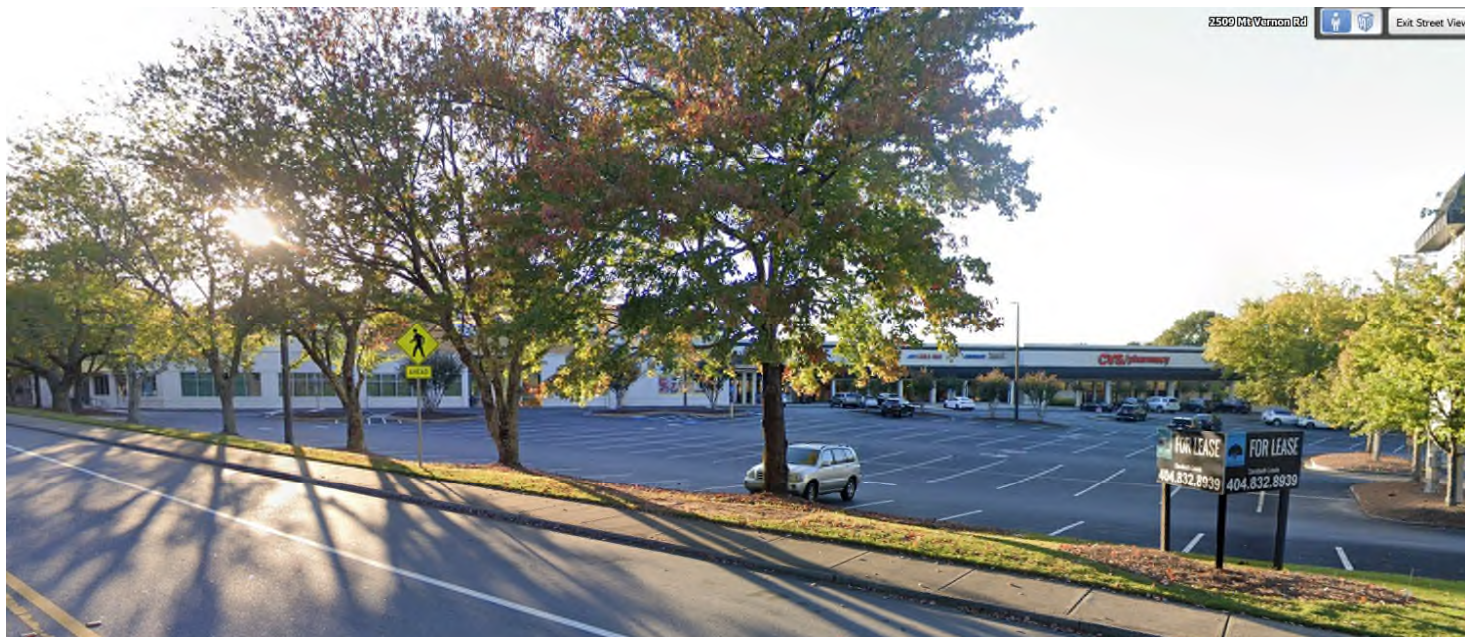
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Travis Pruitt & Associates, Inc.
THESE DRAWINGS AND THEIR REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

DESCRIPTION OF PROPERTY:

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Southwest on Mt. Vernon



Northeast on Mt Vernon



North on Jett Ferry Rd.



South on Jett Ferry Rd.



LETTER OF INTENT

APPLICATION FOR REZONING

The Owner and Applicant, Branch Mount Vernon Associates LP (“Branch”), requests a rezoning for approximately 5.7 acres of land located at 2480 and 2526 Mt. Vernon Rd. and 2482, 2484, 2488, 2492, 2494, 2495, 2496, 2500, 2502, 2508, 2510 Jett Ferry Rd. (the “Property”). The Property is zoned NS and is currently being used as a shopping center. Branch is submitting this application to request a C-1 zoning classification in order to revitalize the Property with a more diversified tenant mix on-site and to allow internal improvements.

The Applicant responds to the following criteria for the granting of zoning modifications:

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

The requested zoning is consistent with the spirit of and statements by the City’s 2020-2040 Comprehensive Plan (the “Comp Plan”). Page 11 of the Comp Plan identifies the Property as part of a larger Target Area “that is evolving, including the mindset that target nodes across the city - which have been planned for redevelopment and experienced market driven infill in recent years - can and should accommodate a denser, more fine-grained mix of commercial, employment, housing uses.” The Comp Plan assigns the Property to the Commercial Future Land Use designation (Comp Plan at Page 37). This designation states that it is appropriate for “land dedicated to non-industrial business uses, including retail sales, office, service, and entertainment facilities. Accessory commercial uses may be located as a single use in one building or grouped together in a shopping center or office building” (Comp Plan at Page 36). In addition, the Property is in the Mount Vernon East Character Area (Comp Plan at Page 29). This character area encourages retail, neighborhood-scale commercial (no large-scale retail “big-box” defined as 75,000 square feet or greater), and mixed uses.” “Action items” in this character area include allowing for redevelopment of existing vacancies and actively promoting neighborhood scaled mixed-use development, as proposed by Branch.

The proposed rezoning and use are appropriate in relation to the Comp Plan recommendations, the size of the Property and to the size, scale and massing of adjacent and nearby properties, which contain approved commercial, retail and other residential uses.

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

Granting Branch’s rezoning request will permit a use that is suitable in view of the uses and development of adjacent and nearby properties. Support of the rezoning will allow Branch to respond to current market demand for additional types of commercial uses. The proposed development will contain

thriving businesses that will complement existing nearby residential and commercial uses, be beneficial to the economy of the surrounding area, provide dining and retail options to nearby neighborhoods, and provide employment opportunities. The Property will create part of a commercial node that includes C-1 property to the northeast and NS zoned property to the east and south.

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

The existing zoning of the Property allows for a more limited mix of commercial uses. The Property is an unusual shape with multiple road frontages. A further complication is that the shape of the Property is triangular, which affects internal building, vehicular access and parking layouts and, in turn, affects the economic value of the Property. Support of the rezoning will allow Branch to respond to current market demand for other types of commercial uses not currently allowed on the Property and to revitalize the economic viability of the existing shopping center.

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

The proposed uses are allowed uses in the C-1 district and are appropriate in relation to the uses and usability of adjacent and nearby properties in the area. The proposed rezoning will allow diverse commercial uses that will complement existing nearby commercial and residential uses, be beneficial to the economy of the surrounding area, provide dining and retail options, and provide employment opportunities. Branch's proposal will not adversely affect the existing use or usability of adjacent or nearby property.

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

As mentioned above, Branch's zoning proposal will allow additional uses that are compatible with other uses in the area and will enable it to revitalize the Property by being able to respond to current market demand.

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

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

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

The proposed rezoning will cause not excessive or burdensome use of existing streets,

transportation facilities, utilities, or schools. The shopping center on the Property has existed for many years. While the rezoning will allow additional types of commercial uses, Branch is not proposing to expand the size of the buildings currently existing on the Property at this time.

Because this rezoning request is consistent with the foregoing standards, Branch respectfully asks that the Mayor and City Council of the City of Dunwoody grant this rezoning as requested.

THE GALLOWAY LAW GROUP



Laurel A. David
Attorney for Applicant

4062 Peachtree Road, NE, Suite A330
Atlanta, Georgia 30319
(404) 965-3669

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1 *	CR-1	C-2	M	
P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Community Residence	P	P	P	P	P	P	P	P	-	27-135.1
Recovery Community	P	P	P	P	P	P	P	P	-	27-146.1
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Shelter, homeless	S	S	-	-	-	-	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	-	P	P	-	27-140
Party House	-	A	-	-	-	-	A	A	-	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	-	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	-	P	P	P	
Recording studios	P	P	P	-	-	-	P	P	P	
Telecommunication tower	A	-	A	-	S	-	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	

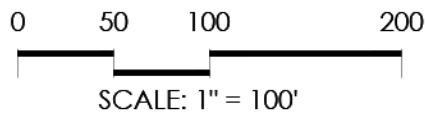
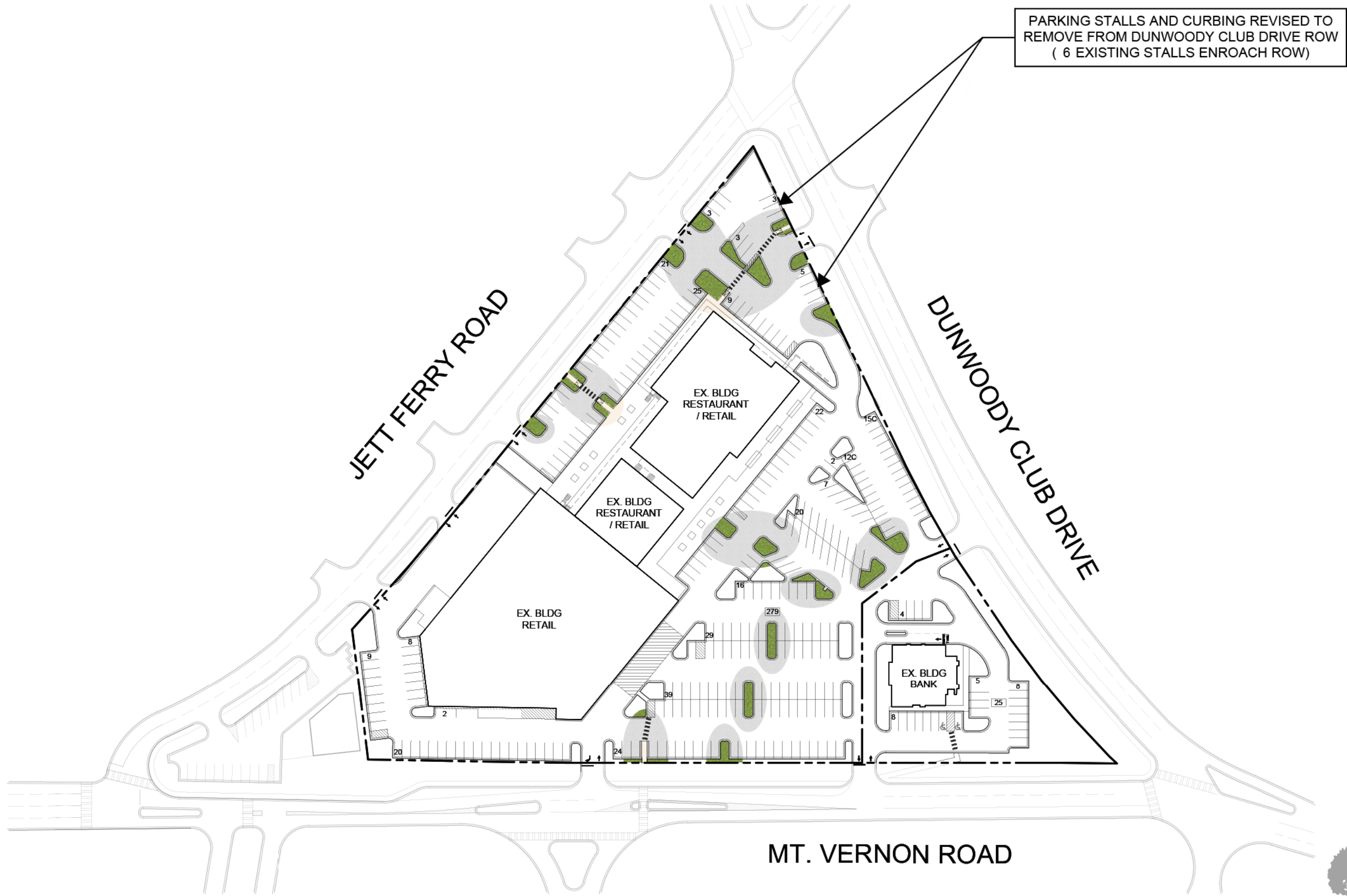
Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	-	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	-	P	P	P	
Eating and Drinking Establishments										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	P	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P	-	
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	P [1]	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	-	P	P	P	
Lodging	P	-	P	P	-	-	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	-	P	P	P	27-143.1
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	P [1]	-	P	P	P	P	P	P	-	

Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P	-	
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	-	-	P	P	27-134
Gasoline sales	-	-	-	-	-	-	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	-	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	-	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
Other										
Drive-through facility	S	S	S	S	S	-	S	S	S	
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Helipoint	S	-	S	-	-	-	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	-	P	-	P	

[1] Within the O-I zoning district, other food and beverage sales and Other retail sales are limited as follows:

- a. Not permitted in any residential buildings or buildings with a residential component.
- b. Allowed only as an accessory use on the ground floor of a multi-story office or institutional building.
- c. Maximum floor area of the tenant suite is limited to 2,000 square feet.

*Uses marked in red are prohibited on the subject site in addition to those uses already prohibited in the C-1 district in the Zoning Ordinance and marked in yellow as “-”. Uses marked in yellow with a “P” are uses permitted as of right.



MOUNT VERNON
MOUNT VERNON ROAD
DUNWOODY, GA

SITE PLAN_SITE IMPROVEMENTS
SCHEMATIC SITE PLAN
2024.09.2



BRANCH

3340 PEACHTREE RD NE • SUITE 2775 • ATLANTA, GA 30326
404 • 832 • 8900

Sec. 27-72. - Uses allowed.

The following table identifies uses allowed in nonresidential and mixed-use zoning districts. See subsection 27-111(4) for information about how to interpret the use table.

USES	DISTRICTS									Supplemental Regulations
	O-I	O-I-T	O-D	OCR	NS	C-1 *	CR-1	C-2	M	
P = use permitted as of right / A = administrative permit req'd / E = special exception req'd / S = special land use permit req'd										
RESIDENTIAL										
Household Living										
Detached house	-	P	-	-	-	-	-	-	-	27-147
Multi-unit building	-	-	-	S	-	-	S	-	-	
Mixed-use building, vertical	-	-	-	P	-	-	P	-	-	
Group Living										
Convent and monastery	P	P	-	P	-	-	-	-	-	27-146
Fraternity house, sorority house or residence hall	P	-	-	-	-	-	-	-	-	
Nursing home	P	P	-	-	-	-	-	-	P	
Community Residence	P	P	P	P	P	P	P	P	-	27-135.1
Recovery Community	P	P	P	P	P	P	P	P	-	27-146.1
Child caring institution (16 or more)	P	S	P	-	P	P	P	P	-	
Shelter, homeless	S	S	-	-	-	-	P	P	-	27-140
Transitional housing facility	S	S	-	-	-	-	P	P	-	27-140
Party House	-	A	-	-	-	-	A	A	-	27-143.2
QUASI-PUBLIC AND INSTITUTIONAL										
Ambulance Service	-	-	-	-	-	-	P	P	P	
Club or Lodge, Private	P	P	P	-	-	P	P	P	P	
Cultural Exhibit	P	P	P	-	-	P	P	P	-	
Day care facility, adult (6 or fewer persons)	-	-	P	-	-	-	-	-	-	27-137
Day care center, adult (7 or more)	P	P	P	P	P	P	P	P	-	
Day care facility, child (6 or fewer persons)	-	-	P	-	-	-	-	-	-	
Day care center, child (7 or more)	P	P	P	P	P	P	P	P		
Educational Services										
College or university	P	P	P	-	-	-	-	-	-	
Kindergarten	P	P	P	P	P	P	P	P	-	27-141
Research and training facility, college or university affiliated	P	P	P	-	-	-	-	-	P	
School, private elementary, middle or senior high	P	P	P	P	-	P	P	P	P	27-148
School, specialized non-degree	P	P	P	P	-	P	P	P	P	
School, vocational or trade	P	P	P	-	-	P	P	P	P	
Hospital	P	-	-	-	-	-	-	-	-	
Place of Worship	P	P	P	P	P	P	P	P	P	27-146
Utility Facility, Essential	E	E	P	E	E	P	P	P	P	27-151
COMMERCIAL										
Adult Use										
Body art service								P	P	
Sexually oriented business	P	-	-	P	-	-	-	P	P	27-149
Animal Services										
Animal care/boarding	-	-	-	S	S	P	P	P	P	27-131
Animal grooming	-	-	-	P	P	P	P	P	P	27-131
Animal hospital/veterinary clinic	-	-	-	P	P	P	P	P	P	27-131
Communication Services										
Radio and television broadcasting stations	P	P	P	-	-	-	P	P	P	
Recording studios	P	P	P	-	-	-	P	P	P	
Telecommunication tower	A	-	A	-	S	-	A	A	A	27-150
Telecommunication antenna, co-located	P	P	P	P	P	P	P	P	P	27-150
Construction and Building Sales and Services										
Building or construction contractor	-	-	-	-	-	-	-	P	P	

Commercial greenhouse or plant nursery	-	-	-	-	-	-	-	P	P	
Electrical, plumbing and heating supplies and services	-	-	-	-	-	-	P	-	P	
Lumber, hardware or other building materials establishment	-	-	-	-	-	-	P	P	P	
Eating and Drinking Establishments										
Microbrewery	S	-	-	P	P	P	P	P	P	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	
Distillery	S	-	-	P	P	P	P	P	P	
Brewery	-	-	-	-	-	-	-	S	S	
Restaurant, accessory to allowed office or lodging use	P	-	-	P	-	P	P	P	P	
Food truck	P	P	P	P	P	P	P	P	P	27-138
Other eating or drinking establishment	-	-	-	P	P	P	P	P	P	
Entertainment and Spectator Sports										
Auditorium or stadium	-	-	-	-	-	-	-	P	P	
Drive-in theater	-	-	-	-	-	-	-	P	-	
Movie theater	-	-	-	P	-	-	-	P	-	
Special events facility	-	P	-	-	-	P	P	P	-	
Financial Services										
Banks, credit unions, brokerage and investment services	P	P	P	P	P	P	P	P	P	
Convenient cash business	-	-	-	-	-	-	-	P	-	27-136
Pawn shop	-	-	-	-	-	-	-	P	-	27-144
Food and Beverage Retail Sales										
Liquor store (as principal use)	-	-	-	-	-	P	P	P	P	
Liquor store (accessory to lodging or 3+ story office)	-	-	P	P	-	-	-	-	-	
Other food and beverage retail sales	P [1]	-	P	P	P	P	P	P	P	
Funeral and Interment Services										
Cemetery, columbarium, or mausoleum	P	P	P	-	-	-	-	-	-	
Crematory	-	-	-	-	-	-	-	-	S	
Funeral home or mortuary	P	-	-	-	-	-	P	P	P	
Lodging	P	-	P	P	-	-	P	P	P	
Medical Service										
Home health care service	P	P	-	-	-	-	-	-	-	
Hospice	P	P	-	-	-	-	-	-	-	
Kidney dialysis center	P	P	-	-	-	-	-	-	-	
Medical and dental laboratory	P	P	-	P	-	P	P	-	P	
Medical office/clinic	P	P	P	P	P	P	P	P	P	
Office or Consumer Service	P	P	P	P	P	P	P	P	P	
Parking, Non-accessory	S	-	P	-	-	-	P	P	P	27-143.1
Personal Improvement Service										
Barber shop, beauty shop, nail salon, massage and/or spa establishments, estheticians, and other "typical" uses per [subsection] 27-114(14)	P	-	-	P	P	P	P	P	P	27-114(14)
Other personal improvement service	-	-	-	-	-	P	P	P	P	
Repair or Laundry Service, Consumer										
Laundromat, self-service	-	-	-	P	P	P	P	P	-	
Laundry or dry cleaning drop-off/pick-up	P	-	-	P	P	P	P	P	P	
Other consumer repair or laundry service	-	-	-	P	P	P	P	P	P	
Research and Testing Services	P	-	P	P	-	-	-	P	P	
Retail Sales										
Retail sales of goods produced on the premises	-	-	-	-	-	-	-	-	P	
Shopping Center	-	-	-	P	P	P	P	P	-	
Other retail sales	P [1]	-	P	P	P	P	P	P	-	

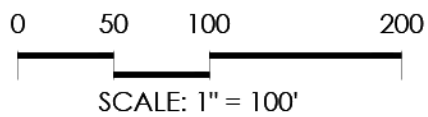
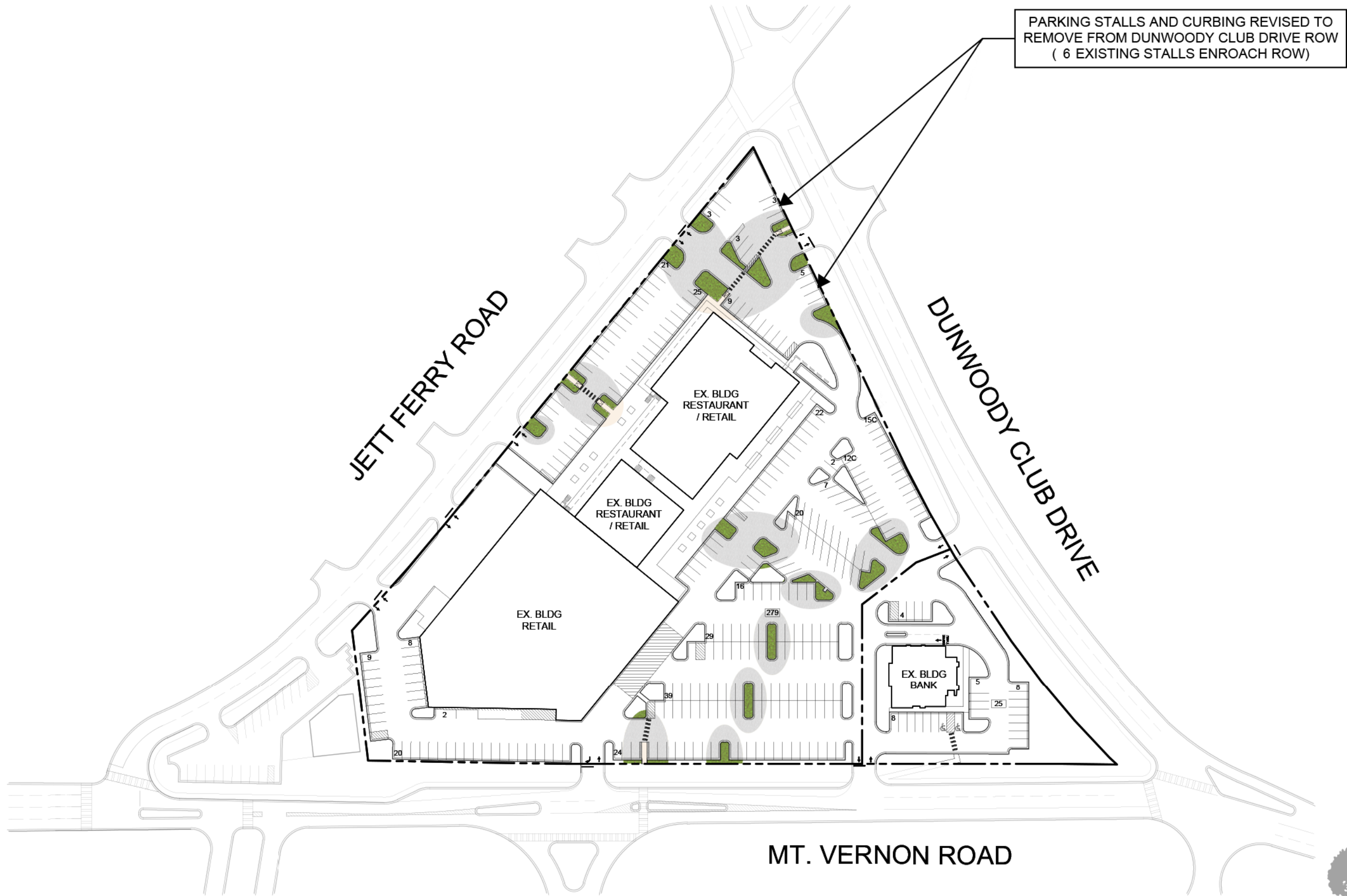
Sports and Recreation, Participant										
Golf course and clubhouse, private	P	P	P	-	-	-	-	P	P	
Health club	-	-	P	P	P	P	P	P	P	
Private park	P	P	P	-	-	-	-	-	-	
Recreation center or swimming pool, neighborhood	P	P	P	-	-	-	-	-	P	
Recreation grounds and facilities	-	-	P	-	-	-	-	P	-	
Tennis center, club and facilities	P	P	P	P	-	P	P	P	-	
Other participant sports and recreation (Indoor)	P	-	-	P	-	P	P	P	-	
Other participant sports and recreation (Outdoor)	-	-	-	-	-	-	-	P	-	
Vehicle and Equipment, Sales and Service										
Car wash	-	-	-	-	-	-	-	P	P	27-134
Gasoline sales	-	-	-	-	-	-	-	P	P	27-139
Vehicle repair, minor	-	-	-	-	-	-	-	P	P	27-153
Vehicle repair, major	-	-	-	-	-	-	-	P	P	27-152
Vehicle sales and rental	-	-	-	-	-	-	S	P	P	27-154
Vehicle storage and towing	-	-	-	-	-	-	-	P	P	27-155
Other										
Drive-through facility	S	S	S	S	S	-	S	S	S	
INDUSTRIAL										
Manufacturing and Production, Light	-	-	-	-	-	-	-	P	P	
Wholesaling, Warehousing and Freight Movement										
Warehousing and storage	-	-	P	-	-	-	-	-	-	
Self-storage warehouse	-	-	P	-	-	-	-	-	P	
Storage yard and truck terminal	-	-	-	-	-	-	-	-	S	
AGRICULTURE AND TRANSPORTATION										
Agriculture										
Agricultural produce stand	-	-	-	-	-	-	-	-	P	
Community garden	P	P	P	P	P	P	P	P	P	27-135
Crops, production of	-	-	-	-	-	-	-	-	P	
Transportation										
Helipoint	S	-	S	-	-	-	S	-	P	
Stations and terminals for bus and rail passenger service	S	-	-	-	-	-	-	-	-	
Taxi stand and taxi dispatching office	-	-	-	-	-	-	P	-	P	

[1] Within the O-I zoning district, other food and beverage sales and Other retail sales are limited as follows:

- a. Not permitted in any residential buildings or buildings with a residential component.
- b. Allowed only as an accessory use on the ground floor of a multi-story office or institutional building.
- c. Maximum floor area of the tenant suite is limited to 2,000 square feet.

*Uses marked in red are prohibited on the subject site in addition to those uses already prohibited in the C-1 district in the Zoning Ordinance and marked in yellow as “-”. Uses marked in yellow with a “P” are uses permitted as of right.

[illegible]



MOUNT VERNON
MOUNT VERNON ROAD
DUNWOODY, GA

SITE PLAN_SITE IMPROVEMENTS
SCHEMATIC SITE PLAN
2024.09.2



BRANCH

3340 PEACHTREE RD NE • SUITE 2775 • ATLANTA, GA 30326
404 • 832 • 8900

Madalyn Smith

From: johnwdwd [REDACTED]
Sent: Wednesday, September 18, 2024 5:55 PM
To: Madalyn Smith
Cc: Chuck Wing
Subject: Rezoning of former Lidl Property

Caution: External Message

Madalyn,

I submitted the following letter to Appen Media on July 28th as a letter to the editor, intended for publication in the Dunwoody Crier. Appen acknowledged it, but chose not to publish. I still think that a new park would be the best use of the subject property, so I am redirecting it to you, as our Community Development Planner, for your consideration. Unfortunately, I will be unable to attend the Oct 8 zoning meeting in person.

To Appen Media:

I live in Dunwoody near the no-name strip mall at the intersection of Mt Vernon Road and Dunwoody Club Drive. The property is triangular, with two stand-alone buildings at the extreme corners: Chase Bank to the east, and Crema to the west. In the main retail strip structure, the only significant remaining tenant is CVS Pharmacy, which I expect will soon be gone. Strip malls like this, prevalent throughout the country, are often referred to as a Zombie Malls. Their desperate owners are attempting to repurpose them. The owner of this property is proposing high density multi-family housing. A terrible idea!

Zombie malls are a consequence of new shopping habits caused by a combination of Covid and Amazon. Their remaining tenants are fleeing to more attractive locations. Owners' loan payments become overdue as their rental income disappears, yet their creditors are reluctant to foreclose. They don't want to own these dogs. As a result, many are being acquired for pennies on the dollar. This presents an excellent opportunity for the City of Dunwoody. The city should purchase this property and convert it to a park, adding one more to our already excellent chain of parks for much less cost than the now-defunct multi-use trail proposal.

Sandy Springs is already aggressively doing this. Drive a few miles west on Mount Vernon and observe their new park at the intersection with Johnson Ferry Road. Still a work in progress, it has paths, trees, gardens, seating, and fountains which complement the Performing Arts Center across Roswell Road. That park, which also occupies a triangular lot, is smaller in area than the one we are discussing. The Mount Vernon/Dunwoody Club intersection is a major entry point to our city. A park at that location would be significant upgrade to the appearance of the area, and would boost those businesses occupying the adjacent shopping centers, Williamsburg and Orchard Park, which would overlook the new park.

Sincerely,

John Woodward

Madalyn Smith

From: JoAnn DeFeo [REDACTED]
Sent: Monday, September 23, 2024 1:21 PM
To: Madalyn Smith
Subject: Lidl shopping center redistricting

Caution: External Message

My husband and I live in the Littlebrooke subdivision in Dunwoody and attended the reasoning meeting for the lidl property. After looking at the list of businesses that would be allowed in a nonresidential and mixed used area, we see two businesses that are included - the body art service and the sexually oriented business -that should not be allowed on that site.

Thank you for your help
JoAnn and Ron DeFeo
Sent from my iPhone

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2024-__-__

AN ORDINANCE TO AMEND THE CITY OF DUNWOODY ZONING CLASSIFICATION AND MAP OF LOT PARCEL NUMBER 06 339 05 004, LOT PARCEL NUMBER 06 339 05 001, & LOT PARCEL NUMBER 06 339 05 003 IN CONSIDERATION OF- ZONING CASE RZ 24-02 (2480, 2526 MOUNT VERNON ROAD & 2495 JETT FERRY ROAD) FROM NS (NEIGHBORHOOD SHOPPING) DISTRICT ZONING CLASSIFICATION TO C-1 (LOCAL COMMERCIAL) DISTRICT.

WHEREAS: Branch Mount Vernon Associates LP seek a rezoning from the NS (Neighborhood Shopping) District to C-1 (Local Commercial) District, in order to increase the number of allowed uses within the existing shopping center; and

WHEREAS: The Property consists of Tax Parcels 06 339 05 004, 06 339 05 001, & 06 339 05 003 which is a series of parcels at the intersections of Mount Vernon Road, Jett Ferry Road, and Dunwoody Club Drive and containing a total of 5.76 acres of land that is currently zoned NS (Neighborhood Shopping); and

WHEREAS: The Local Commercial zoning would allow for a wider variety of uses; and

WHEREAS: The existing shopping center would remain, with minor improvements to the building and parking lot; and

WHEREAS: The Mayor and City Council find that the proposed use aligns with the Mount Vernon Character Area of the Dunwoody Comprehensive Plan, which encourages mixed-use development and redevelopment of existing vacancies; and

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

NOW THEREFORE, The Mayor and City Council of the City of Dunwoody hereby **ORDAIN AND APPROVE** the rezoning of said property from the NS (Neighborhood Shopping) District to C-1 (Local Commercial) District subject to the following exhibits and conditions:

Exhibit A: Permitted and Prohibited Uses

Exhibit B: Site Survey

Exhibit C: Schematic Site Plan, titled "Plan – Site Improvements," completed by Branch, received September 30, 2024

1. Uses marked in red in Exhibit A are prohibited on site in addition to those uses already prohibited in the C-1 district in the Zoning Ordinance and marked in yellow as "-". Uses marked in yellow with a "P" are uses permitted as of right.
2. Development of the site shall be substantially consistent to the existing conditions, per the site survey (Exhibit B), with minor changes to improve the parking lot (Exhibit C) and minor changes allowed as defined by Section 27-337(b) and approved by the Community Development Director.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2024-__-__

3. The owner shall complete the parking lot improvements, including removing the six parking spaces encroaching into the Dunwoody Club Drive right-of-way, before the issuance of a Certificate of Occupancy for the building marked on Exhibit C as “Ex. Bldg. Retail”. If no Certificate of Occupancy is requested within 1 year of the approval of the requested zoning amendment, the property owner shall have 1 additional year to complete the parking lot improvements. The six parking spaces removed may be redistributed on-site; the redistributed spaces will not increase the extent of nonconformity of any development features of the existing parking lot, including the maximum number of parking spaces allowed.

SO ORDAINED AND EFFECTIVE this ____ day of _____ 2024.

Approved by:

Approved as to Form and Content

Lynn P. Deutsch, Mayor

City Attorney

Attest:

Sharon Lowery, City Clerk

SEAL