

AMENDMENT APPLICATION



Community Development

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

*** Applicant Information:**

Company Name:	GMC Real Estate Acquisitions, LLC, c/o J. Alexander Brock				
Contact Name:	Alex Brock				
Address:	1230 Peachtree Street, Suite 3100, Atlanta, GA 30309				
Phone:	404-815-3603	Fax:	404-685-6903	Email:	jabrock@sgrlaw.com
Pre-application conference date (required):	May 30, 2019				

*** Owner Information:** Check here if same as applicant

Owner's Name:	Hines Ravinia Four Limited Partnership, a Texas limited partnership				
Owner's Address:	5 Ravinia Drive, Suite 1160, Atlanta, GA 30346-2109				
Phone:	770-206-5303	Fax:	770-206-5325	Email:	vikram.mehra@hines.com

*** Property Information:**

Property Address:	11 Ravinia Pkwy, Atlanta, GA 30346	Parcel ID:	18 347 01 049
Current Zoning Classification:	Office-Commercial-Residential (OCR)		
Requested Zoning Classification:	Perimeter Center-2 (PC-2)		

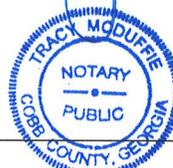
*** Applicant Affidavit:**

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:	J. Alexander Brock		
Applicant's Signature:		Date:	6/4/19

*** Notary:**

Sworn to and subscribed before me this	4th	Day of	June	, 20	19
Notary Public:					
Signature:					
My Commission Expires:					



My Commission Expires
October 2, 2020

Additional Applicant Notarized Certification

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

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*** Applicant:**

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

*** Applicant:**

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

*** Applicant:**

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

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

Community Development

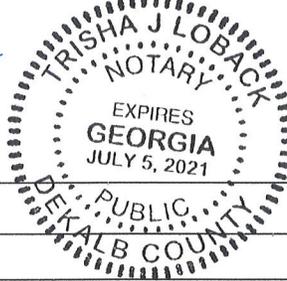
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*** Property Owner (If Applicable):**

Owner Name: Hines Ravinia Four Limited Partnership, a Texas limited partnership
 Signature: *Vikram Mehra* Date: 6/3/2019
 Address: 5 Ravinia Drive, Suite 1160, Atlanta, GA 30346-2109
 Phone: 770-206-5303 Fax: 770-206-5325 Email: vikram.mehra@hines.com
 Sworn to and subscribed before me this 3RD Day of JUNE, 2019
 Notary Public: *Trisha J. Loback*



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

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

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

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

Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Campaign Disclosure Ordinance

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

GA Citation/Title

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

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

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

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

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

OBITUARIES

William Christopher Amacher, age 92, passed away on May 12, 2019 at his home in Dunwoody. He was preceded



AMACHER

in death by his cherished wife of 51 years, Vera Joyce Amacher.

Bill was born in Tennessee in 1926, to Annie Sue Drake Amacher and Fritz Amacher. The family moved to Dunwoody in 1934 to pursue farming. After graduating from Chamblee High School, Bill proudly served our country in WWII, with a Military Police Battalion. After being discharged, he returned to Georgia to continue his education, and played football at Erskine University and West Georgia College, but would ultimately transfer to the University of Georgia. Along with his brother, Fred Amacher, he formed Amacher Bros. Construction Co. in 1953 and was a commercial contractor for over 50 years in Atlanta.

Bill was an active member of Dunwoody United Methodist Church, and particularly enjoyed his Crusaders Sunday School class. He was a member of Dunwoody Preservation Trust, working alongside his beloved wife, Joyce, on a number of community service projects. The City of Dunwoody awarded him Keys to the City in honor of his dedication to historic preservation.

Whether he was playing tennis on his backyard court,

vegetable gardening, studying history, playing golf, boating on Lake Lanier, or dancing, Bill was always very active and thoroughly enjoyed all of it. He loved watching the Dawgs between the hedges as well as the Braves and the Falcons. He and his wife Joyce traveled all over the US, China, Europe, Canada and Mexico. Bill loved to entertain in the home he built for his family in Dunwoody. He had a unique voice that is often imitated but never totally mastered.

His family will miss seeing Bill driving around Dunwoody in his pickup truck full of construction equipment, hardhat in tow. He is survived by his son, Zachery Christopher Amacher, and wife Amie. He is also survived by his wife's children who he loved dearly, Zerah Whitfield Wilson and husband Bob and Zelda Whitfield Patrick and husband Dixon, six grandchildren; Lauren and Elliott Wilson, Samantha and Brenda Patrick, Allison and Kimberly Amacher, nephews Eric Amacher and Lance Amacher and their families.

The memorial service will be on Thursday, May 30th, at Dunwoody United Methodist Church at 11:00 a.m. Friends and family are invited to gather at 10:00 a.m. for visitation.

In lieu of flowers, donations can be made to Dunwoody United Methodist Church in memory of Bill Amacher.

Edith Bigby Tribble Chapin, long time Dunwoody resident and Dunwoody Methodist Church member,



CHAPIN

passed away on May 12, 2019 in Highlands, NC. Edith was preceded in death by her husband Judson Chapin, her parents Robert and Edith

Tribble, and her sisters, Robbie Tribble and Sally Herriot. Edith was born on June 27, 1923 in Jonesville, South Carolina and raised there, graduating from Winthrop College in 1944. She married Army Lieutenant Judson Chapin, a

Clemson graduate, that same year. After marriage, she joined Judson, living at a succession of army posts during the war, where she was employed in the base accounting departments. After the war, her husband's insurance career took them from city to city, during which Edith was a devoted home maker and math teacher who received her Master's from the University of Memphis. Over the years, she taught math at Kingsbury High in Memphis, Lindbergh High in St. Louis, and Peachtree High in Dunwoody. Edith and Judson raised three sons, and putand put them successfully through college. They also widened their horizons with visits to 45 states. The couple enjoyed family,

bridge with friends, antiques, and frequent travel to England. After Judson's passing Edith continued to travel the world with friends and her sister Sally. She lost track of how many lands she had been to, but she always said that home with her family was her favorite place to be. Edith sold her Dunwoody, GA home in 2013 and moved to Huntcliff Senior Living where she made new friends and loved her caregivers. In 2019 she moved to Highlands, NC. Edith is survived by her three sons, Walter (Elena) of Poulso, WA, Jud (Sarah) of Cashiers, NC, and Stephen of Atlanta, by her two grandchildren Meredith (Chip) Hamner of Raleigh, NC,

OBITUARIES, page 12

Bingo & Dinner! MAY 23, BINGO starts promptly at 7:30pm Licensed by: The Citizens for Dunwoody. Open to the community. \$15 buys 9 cards for 10 games. 90 chances to win up to \$1,000 and more. FREE gift card drawings, 50/50 raffle and Nonna's FREE famous Italian food along with soft drinks and desserts—COMPLIMENTARY! (donations appreciated) All money raised benefits All Saints Knights of Columbus Charities. All Saints Social Hall, 2443 Mt. Vernon Rd, Dunwoody. Cut out and present this ad for additional bingo cards!

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that there will be a meeting of interested parties at 6:30 p.m., on the 3rd day of June, 2019, in the Overton Room at Two Ravinia Drive, Atlanta, Georgia 30346, for the purpose of discussing a Pre-Application by GMC Real Estate Acquisition, LLC, submitted to the City of Dunwoody to rezone a +3.43 acre parcel from Office-Commercial-Residential (OCR) to Perimeter Center-2 (PC-2) to allow the proposed development of the property located at 11 Ravinia Pkwy, Atlanta, Georgia. The proposed development will consist of a restaurant, retail and hotel. All interested parties are hereby notified and invited to attend.

This 23rd day of May, 2019.

J. Alexander Brock Attorney for GMC Real Estate Acquisition, LLC

THIS NOTICE IS GIVEN PURSUANT TO DUNWOODY CODE OF ORDINANCES SECTION 27-306.

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Decatur 404-948-5652 1991 N. Williamsburg Dr., Ste A100 Decatur, GA 30033 Lake Sinclair 478-400-1104

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EXHIBIT A

ALL THAT TRACT of land in Land Lot 347 of the 18th District of DeKalb County, Georgia, described as follows;

BEGINNING at a Georgia DOT concrete ~~mark~~ ^{marker} found on the north right-of-way line of Interstate Highway 285 (variable right-of-way) which Georgia DOT concrete ~~is~~ ^{is located} South $80^{\circ}03'05''$ West 20.24 feet from the intersection of the north right-of-way line of Interstate 285 with the east right-of-way line of Ashford-Dunwoody Road (variable right-of-way); running thence along the north right-of-way line of Interstate 285 North $80^{\circ}03'05''$ East 20.24 feet to the point of intersection of the north right-of-way line of said Ashford-Dunwoody Road; thence, along the east right-of-way line of said Ashford-Dunwoody road, the following courses and distances:

- 1) North $48^{\circ}10'13''$ West 38.00 feet to a point;
- 2) North $14^{\circ}52'32''$ West 25.00 feet to a point;
- 3) North $11^{\circ}44'52''$ West 201.62 feet to a point;
- 4) North $14^{\circ}52'30''$ West 158.10 feet to a point;
- 5) Thence along the arc of a curve to the right (which arc is subtended by a chord having a bearing and distance of North $12^{\circ}39'39''$ West 77.41 feet, and a radius of 1,001.75 feet) 77.43 feet to a point and
- 6) North $07^{\circ}50'17''$ West 74.75 feet to a point on the southerly right-of-way line of Ravinia Parkway (a variable right-of-way);

Thence along the southerly right-of-way line of the said Ravinia Parkway the following bearings and distances:

- 1) Thence along the arc of a 742.10-foot radius curve to the right an arc distance of 341.78 feet to a point (said arc being subtended by a chord bearing South $54^{\circ}12'13''$ East and having a length of 338.62 feet);
- 2) Thence South $40^{\circ}40'53''$ East a distance of 20.72 feet to a point;
- 3) Thence along the arc of a 228.09-foot radius curve to the right an arc distance of 33.90 feet to a point (said arc being subtended by a chord bearing South $33^{\circ}39'37''$ East and having a length of 55.76 feet);
- 4) Thence South $26^{\circ}38'21''$ East a distance of 62.87 feet;
- 5) Thence along the arc of a 171.34-foot radius curve to the left an arc distance of 106.39 feet to a point (said arc being subtended by a chord bearing South $44^{\circ}25'40''$ East and having a length of 104.69 feet);
- 6) Thence South $62^{\circ}13'00''$ East a distance of 51.22 feet to a point;
- 7) Thence along the arc of a 169.64-foot radius curve to the left an arc distance of 153.64 feet to a point (said arc being subtended by a chord bearing South $88^{\circ}09'48''$ East and having a length of 148.44 feet);
- 8) Thence North $65^{\circ}53'25''$ East a distance of 142.42 feet to a point;

Thence leaving the said southerly right-of-way line of Ravinia Parkway and running South $66^{\circ}13'42''$ East 146.38 feet to a point on the aforementioned North right-of-way line of Interstate Highway 285;

Thence along the said North right-of-way line of Interstate Highway 285 South $80^{\circ}03'05''$ West 745.88 feet to the POINT OF BEGINNING.

STATEMENT OF INTENT

and

Other Material Required by
City of Dunwoody Zoning Ordinance
For the
Zoning Map Amendment Application

of

GMC Real Estate Acquisitions, LLC

for

± 3.43 Acres of Land
located in
Land Lot 347, 18th District, DeKalb County
Address: 11 Ravinia Parkway

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This application seeks to rezone ±3.43 acres in the City of Dunwoody from the Office-Commercial-Residential (OCR) district to Perimeter Center-2 (PC-2) to allow for a commercial mixed-use development. The property is located in the southeastern quadrant of the intersection of Ravinia Parkway and Ashford-Dunwoody Road (the “Subject Property”). The Subject Property is more particularly located at 11 Ravinia Parkway (Parcel ID No. 18 347 01 049). The Subject Property is in the Perimeter Center Overlay and is currently undeveloped with mostly grassed areas and few trees along its perimeter.

The Applicant is seeking the instant rezoning to allow the development of the Subject Property for ± 42,500 square feet of restaurant/retail space, a hotel, parking deck, and appurtenant site improvements (the “Proposed Development”). This type of development is well suited for the area which is largely commercial with some office, hotel and limited residential uses. To the south, the Subject Property is bounded by the right-of-way of U.S. Interstate 285 (“I-285”); to the west, it is bounded by the right-of-way of Ashford Dunwoody Road; to the north and east, it is bounded by the right-of-way of Ravinia Parkway; and it is also bordered on the east by undeveloped Hines Atlanta Limited property, zoned Office-Institutional (O-I).

The area surrounding Perimeter Mall and particularly along Ashford-Dunwoody Road has experienced tremendous growth in the past forty (40) years; however, the Subject Property has remained idle. The site was originally zoned as a part of the overall Ravinia development in 1982 and was then considered for restaurant/retail development later in 2004, yet none of the developments envisioned for the property ever materialized. During this same period, the surrounding area has grown to be one of the premier commercial centers in the Metro-Atlanta

area and the Subject Property is primed for the type of upscale restaurant/retail/hotel development that is now proposed. The City of Dunwoody Zoning Ordinance was updated in 2017 to incorporate the Perimeter Center zoning districts to keep pace with the development in the Perimeter Center area. This Application seeks to bring the Subject Property's zoning in line with the current Perimeter Center zoning and the surrounding development.

In addition, the Proposed Development's layout will incorporate many design features desired for the PC-2 district such as pedestrian connectivity, street interaction, and open space. The Proposed Development's buildings will be located close to the adjacent right-of-ways to provide more pedestrian connectivity and activate the streetscape. Moreover, the proposed retail and restaurant buildings will be one (1) to two (2) stories in height and the proposed hotel will be up to ten (10) stories with the taller hotel building to the rear towards I-285, which reduces the impact of building massing on the adjacent streetscape. The parking for the Proposed Development will be contained in a structured parking deck internal to and surrounded by the retail, restaurant and hotel buildings. The surrounding buildings and the underground parking levels will shield much of the parking from view of the right-of-way. In fact, 214 spaces out of the total 308 spaces onsite, will be underground and completely hidden from the adjacent streets. The effect of these design considerations is to create a development that is both attractive and blends harmoniously with the surrounding development.

The Applicant submits this document as a Statement of Intent with regard to its Zoning Map Amendment Application, a preservation of its constitutional rights, and an analysis of the criteria for the Zoning Map Amendment Application as required by the City of Dunwoody's Zoning Ordinance, § 27-333.

II. ZONING HISTORY

The Subject Property is zoned OCR and is located within the Perimeter Center Overlay. It is designated as being in the “Perimeter Center” (PC) character area on the city’s Future Land Use Map. The PC character area fully allows the proposed PC-2 Zoning. The Subject Property was rezoned from Single Family Residential Large Lot (R-100) to Office-Institutional (O-I) in 1982 pursuant to Zoning Ordinance CZ-82075 for its development with the overall Ravinia complex. This zoning underwent multiple applications for modification, with the latest being in 1997 which modified the zoning to allow 266,000 square feet of office plus retail and conference use. In 2004, the Subject Property was rezoned from O-I to OCR to allow restaurant/retail use pursuant to ordinance number CZ-04022. The 2004 zoning, however, was conditioned to several requirements, one of which limited the building height to two (2) stories, absent the grant of a Special Land Use Permit. The conditions imposed by the 2004 zoning have left the Subject Property undeveloped for the past fifteen (15) years, despite the area’s rapid growth during that same period. The current proposal seeks to rectify this misstep and allow an attractive development in one of Dunwoody’s leading areas.

III. IMPACT ANALYSIS

1. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.

The Subject Property is located within the Perimeter Center Character Area of the City of Dunwoody’s 2015-2035 Comprehensive Plan (the “Comprehensive Plan”) and within the Perimeter Center Overlay under the Code. The Proposed Development will be in compliance and advance the goals of the Overlay. Furthermore, the Proposed Development is entirely consistent with these designations, which encompass high quality mixed-use developments that provide

services to the residents, workers and visitors of Perimeter Center. In particular, the proposed redevelopment will further the following stated policies of the Comprehensive Plan:

- (a) New development that includes amenities and green space;
- (b) Encourage hotel and convention development near MARTA in order to foster commerce along the mass transportation route;
- (c) Promoting redevelopments that promote a “pedestrian and bicycle-oriented environment;”
- (d) Promoting redevelopments that “reduce remaining excessive surface parking;” and
- (e) Promoting redevelopment that “continues to emphasize high quality design standards and building materials;”

Additionally, the Subject Property is located in the PC-2 subarea under the Comprehensive Plan and designated for PC-2 under the Perimeter Center Overlay. The Proposed Development is consistent with these designations, which promote the highest intensity of buildings supporting pedestrian and bicycle activity.

2. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES.

Yes. As stated in previous paragraphs, the surrounding area is largely commercial and the Proposed Development is complementary to the existing development. The proposed retail and restaurant space will offer high-end options that will fill a niche that is lacking in much of the surrounding market. In addition, the boutique hotel will provide options to select travelers currently underserved by lodging choices in the area, thereby expanding the attractiveness of the area to a larger customer base. It is the Applicant’s desire that the Proposed Development will operate in harmony with the nearby and adjacent uses.

3. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The Subject Property's current OCR zoning limits the use to restaurant and retail in buildings of less than two stories. In the time since the Subject Property was zoned in 2004, the Perimeter Center area has experienced tremendous commercial growth. This growth coupled with certain market demands for hotel use in the area, has shown that the current zonings restrictions make the Subject Property impractical for development limited exclusively to low-rise commercial. As a result the Subject Property has sat vacant for the past fifteen (15) years with little serious interest in development. The proposed PC-2 zoning will rectify this situation and allow a practical development that follows the positive growth trends of the area.

4. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

No. The surrounding uses are primarily commercial, which is complementary to the Proposed Development.

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 in prior paragraphs, the growth trend in the area has been toward taller buildings, such as what is now currently proposed. Evidencing this trend is the City of Dunwoody's adoption of the Perimeter Center zoning districts in 2017, which allows such taller building heights and a variety of commercial uses. The Subject Property is situated in the intended Perimeter Center, Subarea 2, which is intended for buildings of up to fourteen (14) stories. The proposed PC-2 zoning makes the Subject Property compliant with zoning envisioned for the area.

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 either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the requested rezoning.

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.

Any additional vehicular traffic generated by the Proposed Development can be accommodated. As there is no residential component, the proposed development will have no impact on school enrollment. There is sufficient utility, water and sewer capacity to supply this site.

IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The zoning on the Subject Property (and any intervening zoning district other than that requested) is unconstitutional. Further, the Zoning Ordinance of the City of Dunwoody, Georgia lacks adequate standards for the Mayor and City Council to exercise their power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning

Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983.

The Mayor and City Council are granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Dunwoody, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of the City of Dunwoody, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia, 1983.

The failure to rezone the Subject Property as requested would constitute the taking of property without due process and without the payment of adequate compensation in violation of

Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the application for rezoning or to zone the property to any other classification, including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of the City of Dunwoody, Georgia, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Any limitation on the time for presentation of the issues before the Mayor and City Council who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983; and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of Georgia, 1983; and the First Amendment of the Constitution of the United States of America, as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

The Zoning Ordinance of the City of Dunwoody is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

Opponents to this rezoning request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal.

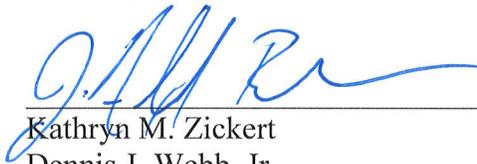
V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Zoning Map Amendment at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City so that such recommendations or input might be incorporated as conditions of approval of this Application.

This ____ day of June, 2019.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, L.L.P.



Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
404-815-3500

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Attorneys At Law

J. Alexander Brock
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Direct Fax:
jabrock@sgrlaw.com

June 4, 2019

John Olson Planning Manager
City of Dunwoody Office of Planning
4800 Ashford Dunwoody Road
Dunwoody, GA 30338

Re: Neighbor Communication Summary Report

Dear Mr. Olson:

This letter is to serve as our Neighbor Communication Summary Report for the rezoning application for the property at 11 Ravinia Parkway, Dunwoody, GA (Parcel ID 18 347 01 049) (the "Subject Property"). In accordance with the City of Dunwoody Zoning Ordinance, § 27-306, we held an Applicant Initiated Meeting on June 3, 2019 to review our proposed rezoning application and the proposed development with interested neighbors. In addition, we also met with the Dunwoody Homeowners Association ("DHA") at its June 2, 2019 meeting to introduce our project to the members of that organization.

Notification of the Applicant Initiated Meeting was sent to residential property owners within 1,000-feet of the Subject Property on May 14, 2019 via first class U.S. Mail. In addition, an advertisement for the meeting was run in the May 23, 2019 issue of the Dunwoody Crier newspaper. See Exhibit 1 attached to this Report. Evidence of both the mailing and the request for advertisement were sent to the City of Dunwoody Planning Department on May 14, 2019. See Exhibit 1.

At the June 2 DHA meeting, the Applicant and the undersigned counsel gave a presentation of the proposed zoning and an overview of the proposed development. Questions and comments were then taken from the public and an open floor discussion was had on the Application. There were approximately fifteen (15) people in attendance, however the meeting was broadcast to approximately 1,000 individuals via Facebook live feed. The crowd in attendance at the meeting mostly had questions regarding the proposed development, but few



John Olson Planning Manager
June 4, 2019
Page 2

comments and no criticisms. One concern that was for the separation of the proposed sidewalk along Ashford Dunwoody Road with a landscape strip. We pointed out that a 6-foot landscape strip was indeed proposed. At the time of drafting this report, the Applicant has not received any further comments or questions from the DHA meeting.

On June 3, 2019, the Applicant and the undersigned counsel held the Applicant Initiated Meeting. The meeting was held in one of the Ravinia conference rooms at 6:30pm. In addition to the address listed on the mailed and advertised notifications, the Applicant and Owner posted signs around the Ravinia complex directing attendees to the meeting room. Nonetheless, the meeting was not attended by anyone from the community.

Sincerely,



J. Alexander Brock
Attorney

JAB/jab

cc: Cameron Grogan, GMC

From: [Olszewski, Vickey](#)
To: jim@appenmediagroup.com
Cc: [Brock, Alex](#)
Subject: GMC Real Estate Acquisitions, LLC -- Rezoning the Ravinia Development in Dunwoodu -- Public Notice
Date: Tuesday, May 14, 2019 4:30:12 PM
Attachments: [PUBLIC NOTICE.docx](#)

Jim,

Per our telephone conversation, attached please find a copy of the public notice we would like to place in the next publication of the Dunwoody Crier. Please provide an estimate of the cost to run this notice. Thank you for your assistance with this matter and should you have any questions, please contact me.

Vickey Olszewski

Paralegal - Land Use and Zoning

p | 404-815-3558
f | 404-685-6858
e | volszewski@sgrlaw.com
Promenade, Suite 3100 | 1230 Peachtree St. N.E. | Atlanta, GA 30309
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PUBLIC NOTICE is hereby given that there will be a meeting of interested parties at 6:30 p.m., on the 3rd day of June, 2019, in the Overton Room at Two Ravinia Drive, Atlanta, Georgia 30346, for the purpose of discussing a Pre-Application by GMC Real Estate Acquisition, LLC, submitted to the City of Dunwoody to rezone a ±3.43 acre parcel from Office-Commercial-Residential (OCR) to Perimeter Center-2 (PC-2) to allow the proposed development of the property located at 11 Ravinia Pkwy, Atlanta, Georgia. The proposed development will consist of a restaurant, retail and hotel. All interested parties are hereby notified and invited to attend.

This ____ day of _____, 2019.

J. Alexander Brock
Attorney for GMC Real Estate Acquisition, LLC

THIS NOTICE IS GIVEN PURSUANT TO DUNWOODY CODE OF ORDINANCES
SECTION 27-306.

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SMITH, GAMBRELL & RUSSELL, LLP
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jabrock@sgrlaw.com

May 14, 2019

Re: 11 Ravinia Pkwy, Atlanta, Georgia
Rezoning Application

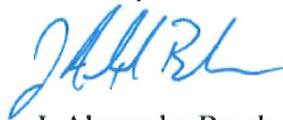
Dear Neighbors:

You are receiving this notification because you are an owner of property located within 1,000 feet of the above-referenced property. GMC Real Estate Acquisition, LLC, will be submitting an application to the City of Dunwoody to rezone a ±3.43 acre parcel from Office-Commercial-Residential (OCR) to Perimeter Center-2 (PC-2) to allow the proposed development of the property located at 11 Ravinia Pkwy, Atlanta, Georgia. The proposed development will consist of a restaurant, retail and hotel.

I write both to inform you of the pending Application and of the Applicant-Initiated Informational Meeting to be held on June 3, 2019 at 6:30 p.m., in the Overton Room at Two Ravinia Drive, Atlanta, Georgia. A map of the Ravinia Complex is attached for your reference.

Should you have any questions regarding this application, please feel free to contact me.

Sincerely,

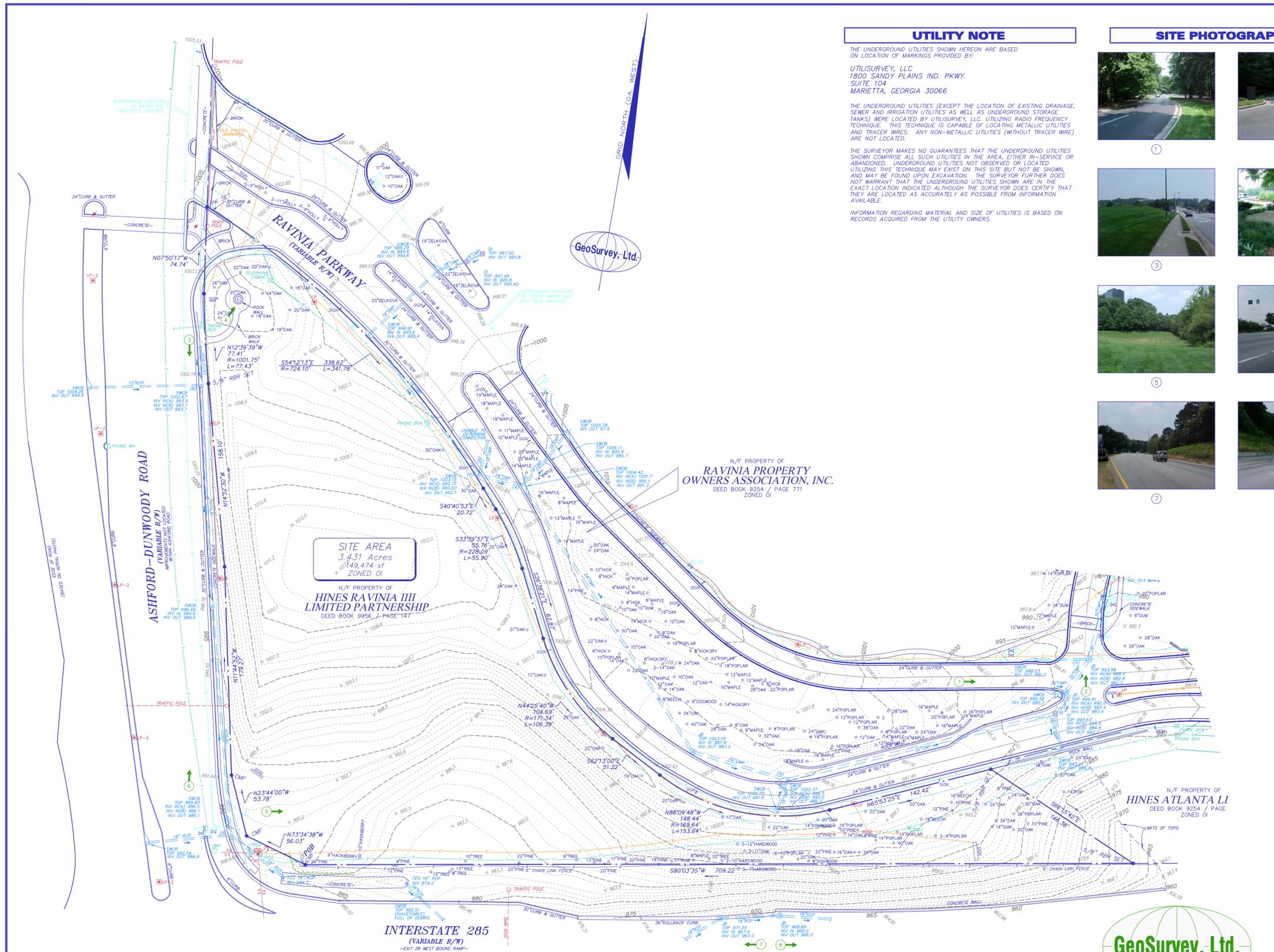


J. Alexander Brock
Attorney at Law

JAB/vmo

Attachment





UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:
 UTILISURVEY, LLC
 1800 SANDY PLAINS IND. PKWY.
 SUITE 104
 MARIETTA, GEORGIA 30066

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRES) ARE NOT LOCATED.

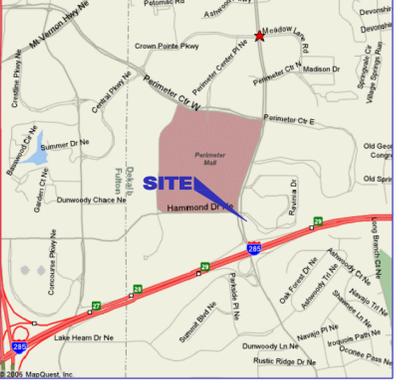
THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

SITE PHOTOGRAPHS



VICINITY MAP



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1308000212 H, AND THE DATE OF SAID MAP IS MAY 7, 2001. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD'83) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1988 (NAVD'88) FROM GPS OBSERVATIONS PERFORMED BY GEOSURVEY, LTD.

THE SITE IS ZONED "O1" (OFFICE INSTITUTION DISTRICT). THE MINIMUM YARD SETBACKS ARE: FROM PUBLIC STREET FRONT 50 FEET; SIDE - 20 FEET; INTERIOR YARD SETBACKS - 20 FEET AND REAR - 30 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

PLEASE NOTE: TREES (8"DBH AND LARGER) WERE LOCATED FOR THIS SURVEY.

SURVEY REFERENCES

1> TOPOGRAPHIC SURVEY FOR HINES ATLANTA, PREPARED BY FISTER & ASSOCIATES, INC. DATED MARCH 13, 1997.

2> SURVEY FOR HINES ATLANTA LIMITED, RAVINIA I ASSOCIATES, RAVINIA II ASSOCIATES, RAVINIA III ASSOCIATES AND RAVINIA PROPERTY OWNERS ASSOCIATION, PREPARED BY HILL-FISTER ENGINEERS, INC. DATED DECEMBER 21, 1989.

UTILITY CONTACTS

GAS
 ATLANTA GAS LIGHT CO.
 MARTIN MAREK
 P.O. BOX 4569
 1219 CAROLINE STREET
 ATLANTA, GA 30302

WATER
 CITY OF ATLANTA WATER DPT.
 BAHMAN FIRDOS
 650 BISHOP STREET NW
 ATLANTA, GA 30309
 (404) 235-2064

WATER DELAMB CO. WATER & SEWER
 KEVIN WILSON
 1580 ROADHAVEN DR.
 STONE MOUNTAIN, GA 30083
 (770)621-7233

TELEPHONE
 BELLSOUTH
 DAVID LEWIS
 445 ATLANTA SOUTH PKWY
 ATLANTA, GA 30349
 (404) 405-8848

ELECTRICITY
 GEORGIA POWER
 IKE COLLINS
 829 JEFFERSON STREET
 ATLANTA, GA 30318
 (404) 506-4569

FIBER-OPTICS
 AMERICAN TELEPHONE & TELEGRAPH CO.
 JENNIFER JONES
 2315 SALEM RD
 CONYERS, GA 30013
 (770) 602-2493

FIBER-OPTICS
 LEVEL 3 COMMUNICATIONS
 TELECOM CO.
 LYNN OLBERSON
 345 COURTLAND ST
 1ST FLOOR
 ATLANTA, GA 30308
 (404) 253-1900

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
CI CURB INLET	X 000.00 SPOT ELEVATION
CMF CORRUGATED METAL PIPE	POWER POLE
CMF CONCRETE MONUMENT FND	GUY WIRE
CS SANITARY CLEANOUT	POWER LINE
CT CRIMPED TOP PIPE	LIGHT POLE
DI DROP INLET	GAS VALVE
FNC FENCE	WATER VALVE
FND FOUND	WATER METER
GM GAS METER	FIRE HYDRANT
INV INVERT	UNDERGROUND ELECTRIC LINE
JB JUNCTION BOX	UNDERGROUND GAS LINE
MH MANHOLE	UNDERGROUND TELEPHONE LINE
OHP OVERHEAD POWER	UNDERGROUND CABLE TELEVISION LINE
OP OPEN TOP PIPE	UNDERGROUND WATER LINE
PIP PLASTIC DRIP PIPE	PHOTO POSITION INDICATOR
POB POINT OF BEGINNING	TELEPHONE PEDESTAL
POC POINT OF COMMENCING	CABLE TV PEDESTAL
RBC IRON REINFORCING BAR	
RS REINFORCED CONCRETE PIPE	
SS SANITARY SEWER	



Land Surveying & Mapping
 1800 Sandy Plains Ind. Parkway
 Suite 104
 Marietta, Georgia 30066
 Phone: (770) 795-9900
 Fax: (770) 795-8880

BOUNDARY AND TOPOGRAPHIC SURVEY FOR

Hines Atlanta, Limited

SITE INFORMATION

COUNTY: DEKALB STATE: GEORGIA
 LAND LOT: 347 DISTRICT: 18TH
 FIELD WORK: BB PROJ TECH: MDG PROJ MGR: GEE REVIEWED: JRC
 SURVEY DATE: MAY 24, 2006 DRAWING SCALE: 1" = 40'
 GS Dwg File: 20062796.dwg GS Job No.: 20062796

IF YOU DIG

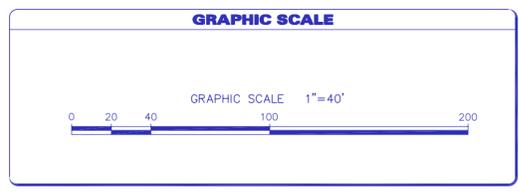
IF YOU DIG GEORGIA... CALL US FIRST!
 1-800-282-7411
 (770) 623-4344
 (METRO ATLANTA ONLY)
 UTILITIES PROTECTION CENTER
 IT'S THE LAW

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

CLOSURE INFORMATION

THIS FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 95,264. AN ANGULAR ERROR OF 0.001" PER SETUP, AND WAS ADJUSTED USING THE COPISS RULE METHOD. A TOPCON 802 ROBOTIC TOTAL STATION AND TDS RANGER DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 418,346 FEET. MDG INIT.



REVISIONS

No.	Date	Description



N/F PROPERTY OF
RAVINA PROPERTY OWNERS ASSOCIATION, INC.
 DEED BOOK 9254 / PAGE 771
 ZONED O1

N/F PROPERTY OF
HINES ATLANTA LI
 DEED BOOK 9254 / PAGE 771
 ZONED O1

SITE AREA
 3.431 Acres
 149,474 sf
 ZONED O1

N/F PROPERTY OF
HINES RAVINIA III LIMITED PARTNERSHIP
 DEED BOOK 9856 / PAGE 147