

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 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,
serial=
Date: 2024.08.06 11:29:00 -0400

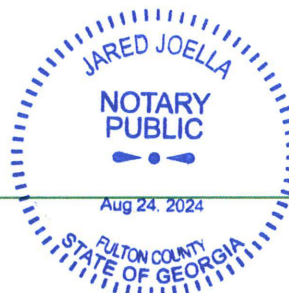
Notary:

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, ou= 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: Jared Joella
 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: _____

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.

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	FILING FOR
L david ladavid770@gmail.com (770) 337-1883	Dunwoody Crier

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

07/18/2024: Non-Legal Advertisement/Public Notice Notice	69.45
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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 51.53 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:

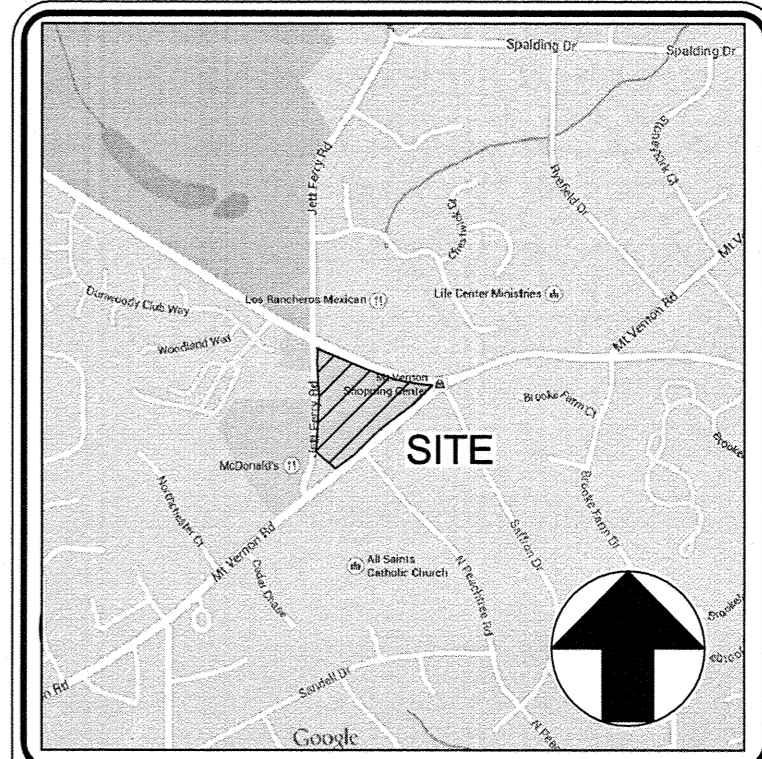
- ALTA/ACSM Land Title Survey for Powell Goldstein LLP, Morgan Stanley Mortgage Capital, Inc., and Chicago Title Insurance Company prepared by Travis Pruitt & Associates, Inc., dated September 5, 2006 last revised September 12, 2006. (FN:149-D-004)
- Site plans for JP Morgan Chase Bank, MT Vernon Rd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

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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.

TITLE EXCEPTIONS

This survey relied upon information contained within a title commitment number O-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 hereon.

PARKING SUMMARY:
Regular Parking Spaces: 317
Handicap Parking Spaces: 9
Total Parking Spaces: 326

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 unowned 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 plotting 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 incorporated areas map number 13089C00101, effective date MAY 16, 2013.
- The edge of the Mt. Vernon Road right of way is the southern boundary of the property, (i) the edge of the Jett Ferry Road right of way is the northwestern 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-PCI Mortgage Trust Commercial Mortgage Pass-Through Certificates and First American Title Insurance Company.

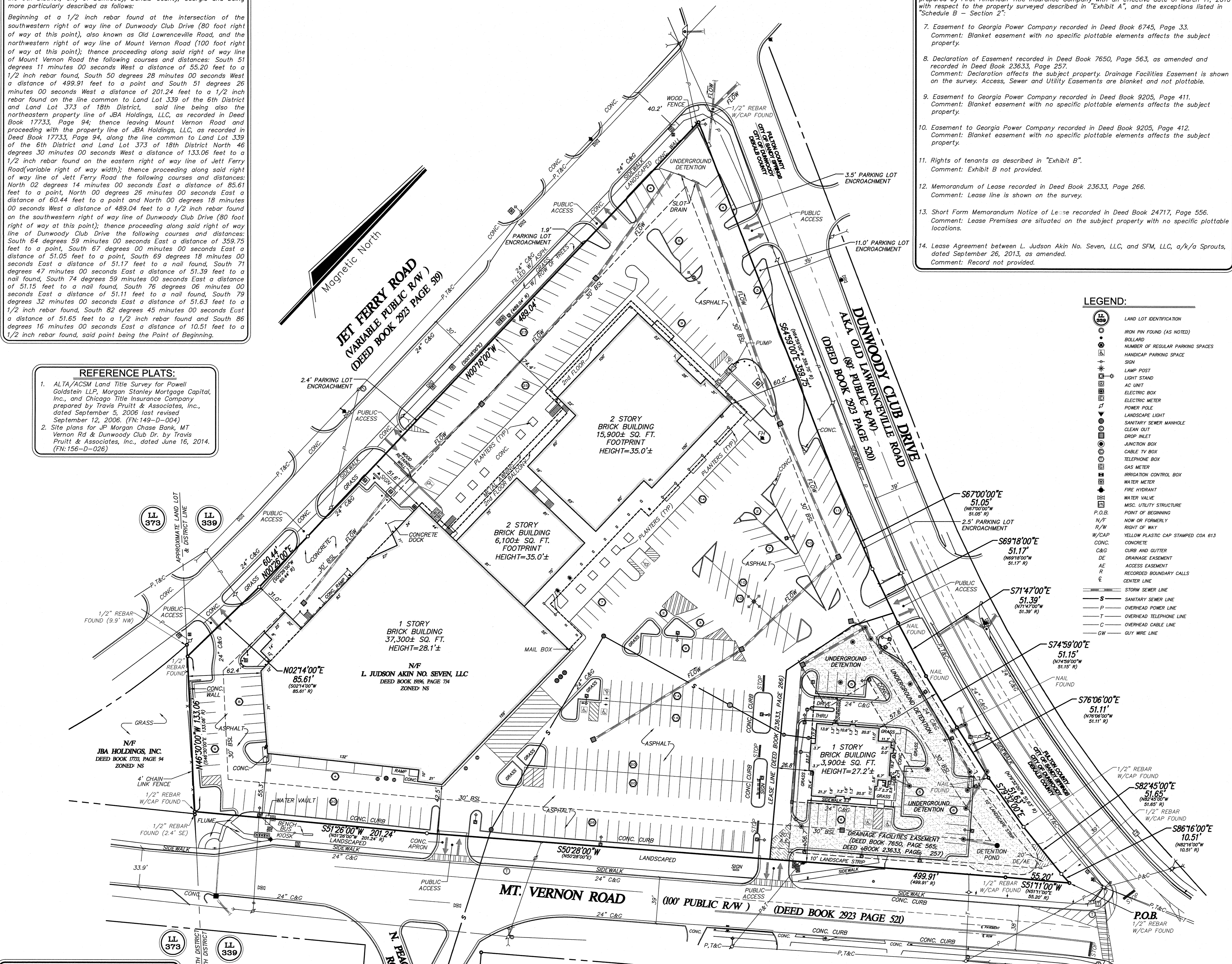
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 16, 17 and 20(\$5,000,000) of Table A thereof. The fieldwork was completed on March 23, 2016.

9.23.2016
Date
James F. Higgins
Georgia Reg. Land Surveyor No. 2802
For the Firm Travis Pruitt & Associates, Inc.

PLAT DATE: FEB 9, 2015
FIELD DATE: FEB 6, 2015
SCALE: 1"=40'
LSV: BT
JN: 1.15.0028.600
FN: 188-D-167

UTILITY STATEMENT:

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



LEGEND:

LL 339	LAND LOT IDENTIFICATION
○	IRON PIN FOUND (AS NOTED)
●	BOLLARD
□	NUMBER OF REGULAR PARKING SPACES
□	HANDICAP PARKING SPACE
□	SIGN
□	LAMP POST
□	LIGHT STAND
□	AC UNIT
□	ELECTRIC BOX
□	ELECTRIC METER
□	POWER POLE
□	LANDSCAPE LIGHT
□	SANITARY SEWER MANHOLE
□	CLEAN OUT
□	DROP INLET
□	JUNCTION BOX
□	CABLE TV BOX
□	TELEPHONE BOX
□	GAS METER
□	IRRIGATION CONTROL BOX
□	WATER METER
□	FIRE HYDRANT
□	WATER VALVE
□	MISC. UTILITY STRUCTURE
P.O.B.	POINT OF BEGINNING
N/W	HOW OR FORMERLY
R/W	RIGHT OF WAY
W/CAP	YELLOW PLASTIC CAP STAMPED COA #13
CONC.	CONCRETE
C&G	CURB AND GUTTER
DE	DRAINAGE EASEMENT
AE	ACCESS EASEMENT
R	RECORDED BOUNDARY CALLS
C	CENTER LINE
S	STORM SEWER LINE
S	SANITARY SEWER LINE
P	OVERHEAD POWER LINE
T	OVERHEAD TELEPHONE LINE
CW	OVERHEAD CABLE LINE
GW	GUY WIRE LINE

NO.	DATE	DESCRIPTION
1	2/26/15	ADDRESS CLIENT COMMENTS
2	3/02/15	ADDRESS CLIENT COMMENTS
3	3/02/15	NEW TITLE & UPDATE SURVEY
4	9/23/16	LEGEND
5	9/23/16	KP
6	9/23/16	AB
7	9/23/16	BH
8	9/23/16	BY

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770)416-2511
Fax: (770)416-6759
www.travispruitt.com

Travis Pruitt & Associates, Inc.
LANDSCAPE ARCHITECTS

ALTA/NSPS LAND TITLE SURVEY

Branch Mount Vernon Associates, LP, a Delaware limited partnership, Wilmington Trust, National Association, as Trustee, for the benefit of the Holders of COMM 2015-PCI Mortgage Trust Commercial Mortgage Pass-Through Certificates and First American Title Insurance Company

AUTHORIZED BY: Hot Nuy, Zatooff & Wasserman
LAND LOT 339 - 6TH DISTRICT - CITY OF DUNWOODY, DEKALB COUNTY, GEORGIA

Graphic Scale: 1" = 40' IN FEET

REGISTERED
LAND SURVEYOR
JAMES F. HIGGINS

For The Firm
Travis Pruitt & Associates, Inc.

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-2 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

PLAT DATE: FEB 9, 2015
FIELD DATE: FEB 6, 2015
SCALE: 1"=40'
LSV: BT
JN: 1.15.0028.600
FN: 188-D-167

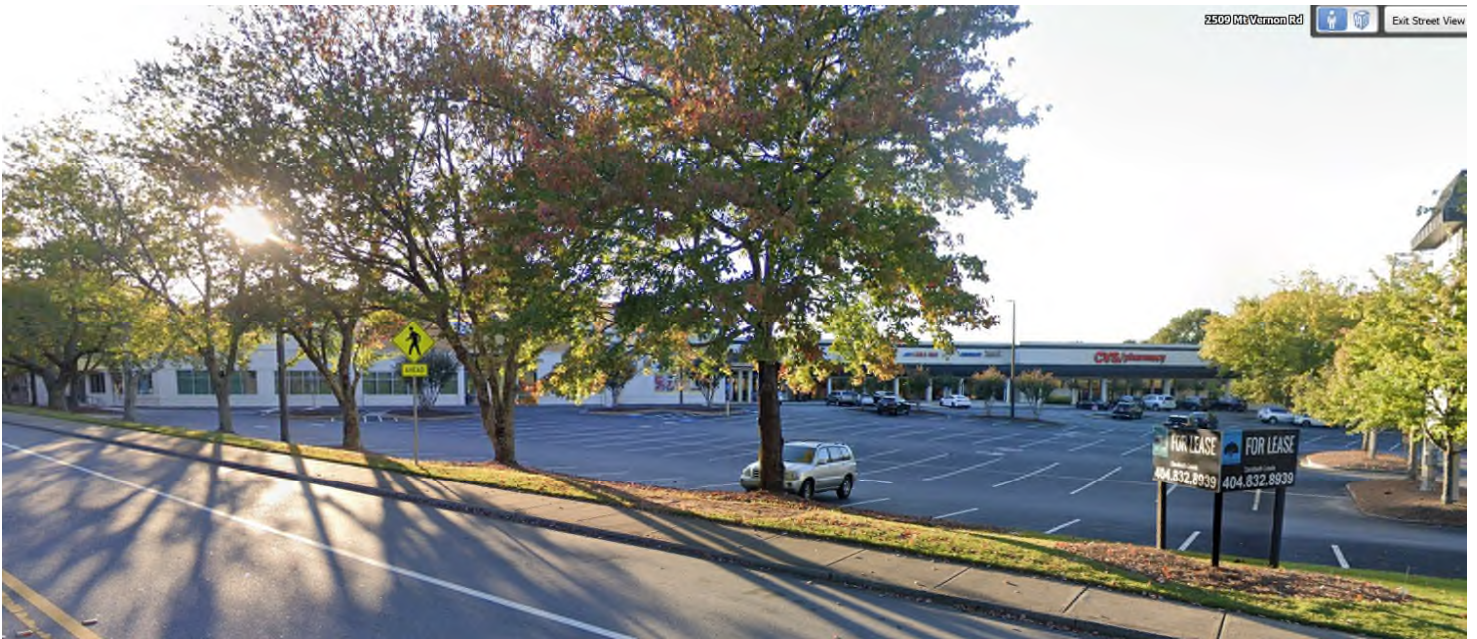
Sheet No. 1 of 1

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



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