

**Request:** Realign the boundary of the Dunwoody Village Overlay District to remove the Dunwoody United Methodist Church Property from the district.

**Property Location:** 1548 Mount Vernon Road

**Petitioner:** City of Dunwoody, Georgia

**Property Owner:** Dunwoody United Methodist Church

**Vicinity Map**



## **Zoning Ordinance Requirements**

In accordance with section 5A-12 in the zoning ordinance, the Board should take into consideration the following criteria when evaluating any rezoning request:

- a. Existing uses and zoning of nearby property;
- b. The extent to which property values are diminished by the particular zoning restrictions;
- c. The extent to which the destruction of property values of the applicants promotes the health, safety, morals or general welfare of the public;
- d. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
- e. The suitability of the subject property for the zoned purposes;
- f. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; and
- g. The extent to which the rezoning meets the goals and land use objectives of the land use plan.

## **Site Plan Analysis**

The subject properties are just over 12 acres on the north side of Mount Vernon Road, between its intersections with Ashford Dunwoody and Chamblee Dunwoody Roads. The property has nearly 1,000 feet of frontage on Mount Vernon Road along its south side. Adjacent to the west are single family detached homes, to the south are offices and specialty retail shops and to the east and north are retailers who are a part of the Dunwoody Village.

The current zoning of the property in question is R-150/DVOD (Single Family Residential District/Dunwoody Village Overlay District). Adjacent parcels to the subject site are zoned residential, R-100 to the west, RM-100 and O-I to the south (across Mount Vernon Road), and C-1 to the north, the Dunwoody Village.

## **Analysis**

The creation of the Dunwoody Village Overlay District was intended:

- (a) To implement the policies and objectives of the City of Dunwoody Comprehensive Plan 2008-2028 and the policies and objectives of the Dunwoody Commercial Core Design Guidelines;
- (b) To ensure that new developments and additions to existing buildings are compatible with the Village/Colonial architectural style that is characteristic of the district;
- (c) To strengthen the identity of the Dunwoody commercial core as the heart of the Dunwoody neighborhood;
- (d) To create new opportunities for public open spaces and gathering spaces in the commercial core of Dunwoody;

- (e) To assure that new developments within the commercial core are pedestrian-friendly and provide places for civic activities; and
- (f) To improve the visual appearance, increase property values, and reduce vacancy rates within the Dunwoody Village.

Through their work in modernizing the code text, the Dunwoody Village Overlay District task force has put forward a request, with the consent of the property owner, to amend the existing boundary of the District to exclude the Dunwoody United Methodist Church property, located on the north side of Mount Vernon Road between its intersections with Ashford-Dunwoody and Chamblee-Dunwoody Roads.

To that end, this request seeks to remove that property from the district and its associated zoning requirements.

#### **Community Council Meeting:**

The Dunwoody Community Council heard this case at their regular April meeting. After discussion was had related to the project, the Council chose to **recommend approval** of the proposed plan, as submitted, 5-0.

#### **Planning Commission:**

At their regular May meeting, the Planning Commission discussed this item at the first Public Hearing. Following a brief discussion about what rights to develop the United Methodist Church would receive as a benefit from this action, the Commissioner quickly moved to **recommend approval** of the rezoning as presented and the motion carried unanimously 5-0.

#### **Staff Recommendation:**

Staff has no objections to the realignment of the Dunwoody Village Overlay District boundary to remove residential property from the district. The church supports the action, the Dunwoody Village Overlay District task force supports the action, and staff as yet has received no citizen opposition to the rezoning.

**AN ORDINANCE TO REZONE THE DUNWOODY UNITED METHODIST CHURCH  
PROPERTY TO REMOVE IT FROM THE DUNWOODY VILLAGE OVERLAY DISTRICT  
DESIGNATION**

**WHEREAS,** the Dunwoody Village Overlay District strengthens the identity of the City of Dunwoody as a commercial core in the heart of the Dunwoody neighborhood; and

**WHEREAS,** the Dunwoody Village Overlay District regulations require the properties to comply with additional regulation to require any buildings on properties within the District to be compatible with the Village/Colonial architectural style; and

**WHEREAS,** the Dunwoody Village Overlay District currently encompasses the Dunwoody United Methodist Church Property, located at 1548 Mount Vernon Road, Dunwoody, Georgia 30338, designated as Parcel #'s 18 366 01 018 and 18 366 01 021 in the DeKalb County Superior Court Real Estate Records (hereinafter "DUMC Property"), which is zoned Residential specifically R-150/DVOD; and

**WHEREAS,** the Dunwoody Village Overlay District was not originally designed to encompass residential property; and

**WHEREAS,** there is a pending request, RZ09-041, to rezone the DUMC Property by removing the Property from the Dunwoody Village Overlay District, and thus remove it from complying with all Overlay District requirements, and such request has been recommended for approval by the Dunwoody Community Council and Planning Commission; and

**WHEREAS,** A properly-advertised public hearing has been held on May 26, 2009 along with the First Read of this Ordinance, with the Second Read being held on June 8, 2009.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby ordain as follows:

**Section 1:** The Rezoning Request RZ09-041, to remove the Dunwoody Methodist Church Property from the Dunwoody Overlay District, thereby rezoning the DUMC Property from the current designation of R-150/DVOD to "R-150" is hereby approved.

**Section 2:** This Ordinance shall become effective immediately upon its adoption by the City Council and the official Zoning Maps for the City of Dunwoody shall be amended to reflect such rezoning designation.

**STATE OF GEORGIA  
COUNTY OF DUNWOODY**

**ORDINANCE 2009-06-33**

**SO ORDAINED**, this 8<sup>th</sup> day of June, 2009.

Approved:

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Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

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Sharon Lowery, City Clerk  
(Seal)

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Brian Anderson, City Attorney