



CITY OF DUNWOODY

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MEMORANDUM

To: Mayor and City Council

From: Jennifer Peterson, Community Development Director

Date: June 15, 2009

Subject: **Discussion of Attendance Requirements for Applicants or their Representatives at Land Use Meetings**

Earlier this month the Council approved changes to the zoning code to “clean-up” the language to reflect the City of Dunwoody. As a part of that public hearing process the Community Council and the Planning Commission both suggested that the application representative’s presence at those meeting be mandatory, albeit at various stages in the process.

Under the current zoning code there is not a requirement that applicants attend the Community Council meeting, the Planning Commission public hearing, or the Zoning Board of Appeals public hearing. Staff advises applicants at many points in the process that it is in their best interest to attend the meeting. To date, we have not had any applicant fail to appear at any meeting.

Should you direct staff to revise the code to make attendance mandatory we must address the proper punishment for failing to appear. Council could consider language that would call for a suspension of the process at the point of the meeting that the applicant failed to appear in order to give the applicant a chance to appear the following month. We could also consider language that would require the application to begin the process over again. Additionally, we could consider language that would remove discretion from the Board and require a mandatory recommendation/vote of denial on the request.

Staff is prepared to move forward with any direction from Council on this matter. However it is staff’s opinion that we are trying to solve a problem that does not exist. Applicants that wish to receive a positive vote from the Board they appear before will attend and represent their request as a matter of good business. The City Council and the Zoning Board of Appeals are the only groups that render decisions. They are empowered to table items to a later date should they find the need exists. Some applicants will not have control over circumstances that may cause them to miss a meeting, such as family emergencies, traffic accidents, etc. It would be a benefit to the city for the Board to be able to use judgment in the situation given the circumstances that might accompany the failure to appear at a meeting.

Should City Council direct staff to initiate a text amendment that amendment could be heard by the Community Council in July, the Planning Commission in August, and be voted on by Council in September.