



CITY OF DUNWOODY

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MEMORANDUM

Date: November 16, 2009

Subject: **Work Session discussion: Text Amendment to the Zoning Ordinance “Pre-submittal meeting”**

History

At the direction of the Dunwoody Mayor & City Council, staff presents a new application requirement for a client pursuing an amendment to the city land use plan, an amendment to the official zoning map or special land use permit, or a major amendment/modification to a prior condition of zoning. This requirement will add a fifth opportunity for citizen review of a proposal, and follows the DeKalb County model, wherein an applicant has to hold and attend a pre-submittal meeting with the community adjoining the subject property prior to beginning the City meeting/approval process.

The details of the procedure are contained in the text of the amendment, below.

“No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit, or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has attended and held a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing, *meaning an advertisement will be printed in the newspaper of general circulation and a letter will be drafted and mailed to nearby property owners and surrounding neighborhood association(s)/community group(s) (per Planning Commission).* The pre-submittal community meeting shall be scheduled at a time agreeable to the association/group in a facility within two (2) miles of the subject property and shall not take place less than fifteen (15) days after the date of the written notice *nor more than one hundred twenty days prior to the application submittal to the City (per Community Council).* *If there is more than one community meeting, the 120-day timeline shall begin as of the date of the final meeting in the series (per Planning Commission).* Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete.”

Community Council

At their regular September meeting, the Community Council heard and discussed the item. The Board members discussed the need for more clarity of the distribution process in regards to the



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community meeting notice being submitted in writing. Staff also introduced the idea that the community meeting shall be held “no more than 120 days prior to making formal submission to the City” to begin the Mayor & City Council approval process. The Community Council **approved** the text amendment as presented, with the 120-day caveat, 7-0.

Planning Commission

The Planning Commission heard the issue at their regular October 2009 meeting. Discussion was had related to both the original proposal and the addendum for the 120-day relationship between the community meeting and the submission to the City. The Planning Commission decided that:

- (1) “A notice of the pre-submittal community meeting shall be made in writing” shall require more clarification as to what constitutes “writing”. The Commissioners found that an advertisement in the local newspaper **and** a letter mailed to adjoining property owners will suffice for “writing”. Staff supports this clarification.
- (2) The 120-day provision mentioned at the Community Council meeting shall begin from the last community meeting held related to the project, in the instance that there are more than one community meetings required.

The motion by the Planning Commission was **recommendation of approval** of the item, with the changes noted above. The motion passed 5-0.

Mayor & City Council

At the October 26th voting meeting of the Mayor & City Council, following a Public Hearing and subsequent discussion, the council membership indicated overwhelmingly to support this proposed text amendment with the two clarifications noted at the Planning Commission meeting. These changes are noted in the text of the ordinance itself, attached to this memo.

At the November 9th voting meeting of the Mayor & City Council, an amendment to the text of this proposal was entered into the formal discussion during the second read discussion. The amendment would remove the requirement that the applicant meet with neighborhood association(s) / community group(s) in the area, and instead simply send letters and hold a meeting for the benefit of the adjoining property owners in a 500-foot radius from the subject property. To allow for adequate debate of the amendment, the item was deferred until November 23, and is proposed to be discussed further at the Mayor & Council work session to be held November 16th.

Staff Recommendation

Staff cautions against approval of the text amendment in any form, as it is not believed there will be any appreciable benefit or efficacy to a fifth required meeting, when quality discussions can be had in the bounds of the existing process.

AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY ADDING A PRE-APPLICATION SUBMITTAL MEETING REQUIREMENT FOR CERTAIN LAND USE PETITIONS

WHEREAS, the City of Dunwoody Zoning Ordinance, Chapter 27 of the City of Dunwoody Code of Ordinances, provides for a certain process for petitioning for amendments to land use or conditions thereto; and

WHEREAS, the Mayor and City Council, in order to protect the safety, health and welfare of the citizens of the City, desire to have additional input for affected neighbors of a development property requesting a land use permit; and

WHEREAS, in order to provide for such additional input by the citizens of the City, the Mayor and Council would wish to allow for a meeting between the land use applicant and all affected citizenry prior to the submittal of any land use petitions by the applicant to the City; and

WHEREAS, the City believes that this pre-meeting will streamline the application process by allowing the land use applicant to receive valuable input on the use of the property from affected neighbors; and

WHEREAS, A properly-advertised public hearing has been held on October 26, 2009 during the First Read of this Ordinance and the Second Read of this Ordinance and adoption is being held on November 9, 2009.

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

Section 1: The City of Dunwoody Zoning Ordinance, Chapter 27 of the City Code of Ordinances, is hereby amended by adding subsection (b) to Article V (Administration), Section 5A-1 (Initiation of Amendments) to read as follows:

Sec. 5A-1. Initiation of Amendments.

(a) The text of this Chapter, the official zoning maps, and the comprehensive plan land use maps may be amended by the City Council pursuant to a proposed ordinance introduced by one (1) or more members of the City Council or by official action of the planning commission. In addition, amendments to the official zoning maps and the comprehensive plan land use maps may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s). Before enacting any amendment to this Chapter, the official zoning maps, or the comprehensive plan land use maps the City Council shall provide for the public notice and public hearings required by this Chapter.

(b) No Application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit, or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has attended and held a publicized pre-submittal community meeting(s) with

surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be scheduled at a time agreeable to the association/group and at a facility within two (2) miles of the subject property (if a suitable facility cannot be found within two miles, then the City Manager will approve a location beyond the two miles suggested by the applicant) and shall not take place less than fifteen (15) days after the date of the written notice nor more than one hundred twenty (120) days prior to submittal of the application to the City. Applicants are required to provide documentation that verifies the occurrence of said meeting(s) before the application can be considered complete.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 9th day of November, 2009.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney