



CITY OF DUNWOODY

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MEMORANDUM

Date: October 26, 2009

Subject: **Text Amendment to the Zoning Ordinance**

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 fourth opportunity for city 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. 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. 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.”

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 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.

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:



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(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 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. The motion passed 5-0.

Staff does not recommend approval of the text amendment. The process in Dunwoody for these types of actions is to:

1. As required by state and local law, advertise “within a newspaper of general circulation within the territorial boundaries of the local government” notice of the proposed action and date/time/location of the associated Public Hearings;
2. Post a sign on the site apprising interested passers-by of the proposed action & subsequent Hearings;
3. Mail a letter to local land owners within a 250-foot radius from the subject property making those individuals aware of the proposal and Public Hearings;
4. Hold an initial public Community Council meeting where the project is first vetted and discussed amongst staff, the applicant and a seven-member appointed council;
5. Discuss the proposal in the Planning Commission setting at the first of two Public Hearings;
6. Discuss and ultimately adjudicate the proposal at an additional Public Hearing during the first of two public readings by the Mayor & City Council.

Staff does not believe there will be any additional benefit or efficacy in creating an additional meeting requirement for applicants, especially a requirement that mandates a hearing outside the bounds of city ordinance and guidelines. Adding a fifth required meeting seems onerous to the process, when quality discussion (and if necessary, tabling and deferrals by the Planning Commission and/or City Council) can be had in the bounds of the existing process without the burden of another meeting.