

CITY OF DUNWOODY
August 5, 2013
SPECIAL CALLED MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting August 5, 2013 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Dunwoody, Georgia 30346. Present for the meeting were the following:

Voting Members: Michael Davis, Mayor
Lynn Deutsch, Council Member
John Heneghan, Council Member
Terry Nall, Council Member
Denis Shortal, Council Member
Doug Thompson, Council Member

Also Present: Warren Hutmacher, City Manager
Sharon Lowery, City Clerk
Billy Grogan, Chief of Police
Lenny Felgin, Assistant City Attorney
Steve Dush, Community Development Director
Rebecca Keefer, City Planner
Christie Mager, Planning Coordinator
Kimberly Greer, Assistant to the City Manager
Lillie Read, Assistant to the City Clerk

A. CALL TO ORDER

Mayor Davis called the meeting to order.

B. ROLL CALL

Council Member Bonser was absent.

C. INVOCATION

Council Member Shortal led the Invocation.

D. PLEDGE OF ALLEGIANCE

Council Member Nall led the Pledge.

E. MAYOR AND COUNCIL COMMENTS

Council Member Thompson – thanked all of the people involved in the zoning code rewrite process and noted that the City has managed to finish this project over a year ahead of schedule, which allows time for thorough review and discussion.

Council Member Shortal – echoed Council Member Thompson’s sentiments and informed citizens that the City has also nearly completed the contract paving for this year.

Council Member Heneghan – complemented everyone involved with the zoning code rewrite and noted that Night Out with the police is being held tomorrow (Tuesday) at Target.

Council Member Deutsch – thanked staff and reminded citizens that the farmer’s market

is every Wednesday at the Shops of Dunwoody.

Council Member Nall – also gave complements to citizens, staff, and consultants regarding the rewrite process.

Mayor Davis – noted that the trail opening was magnificent and that the rewrite process has been an interesting experience.

F. PUBLIC COMMENT

Barbara Binder – Wyntercreek subdivision – asked the Council to revisit the question of a weather alert system, noting concerns with the way that the Code Red system works.

Richard Otness – 1212 Redfield Ridge – spoke about concurrent variances and the reasons they should not be adopted.

Stacey Harris – 5683 Mill Trace Drive – spoke on behalf of the DHA regarding two topics: 1) their opposition to the idea of concurrent variances and 2) their opposition to a modification to home occupations that would allow customers to visit home businesses.

G. MINUTES

Approved under the Consent Agenda.

H. APPROVAL OF MEETING AGENDA (add or remove items)

Council discussed and agreed to adjourn the meeting by 9:30pm.

Council Member Shortal moved to approve the meeting agenda. Council Member Thompson seconded.

The motion was voted and passed. For: 6; Against: 0; Abstain: 0; Absent: 1.

I. CONSENT AGENDA

1. Approval of Minutes of the July 22, 2013 City Council Work Session Meeting.
2. Approval of Minutes of the July 22, 2013 City Council Meeting.

Council Member Thompson moved to approve the consent agenda. Council Member Heneghan seconded.

The motion was voted and passed. For: 6; Against: 0; Abstain: 0; Absent: 1.

J. ORGANIZATIONAL AND PROCEDURAL ITEMS

There were no organizational or procedural items.

K. REPORTS AND PRESENTATIONS

There were no reports or presentations.

L. UNFINISHED BUSINESS

There was no unfinished business.

M. NEW BUSINESS

1. FIRST READ: Rewrite and codification of the City of Dunwoody City Code Chapters 27, Zoning, and 16, Land Development, and all previous amendments thereto. (Steve Dush)

Steve Dush thanked the Mayor and Council for allocating funding for the rewrite process. He also thanked the staff, consultants, and citizens who participated in the process. He noted that this process started in January 2012 and there have been 50 opportunities to take this to the community. Upon adoption there will be a 30 day implementation phase before it is fully operational. Steve then presented a memo that concisely outlines the issues identified by the Community Council and the Planning Commission and answered questions of Council. Discussion was held regarding the following topics:

Tree Removal (Section 16-10.50-D): Currently, no permit is required to remove a tree on private property and Council is in favor of leaving the code as currently written.

Public and Civic Sites (Section 16-16.80): Staff suggested removing this section since it is made redundant by other portions of the code, however, Council indicated that they would like it to be left in for the sake of clarity and transparency.

Food Trucks (Section 27-9.80): The question under consideration was the classification of ice cream trucks and whether they qualified as "food trucks" since they are currently identified as "sound trucks" under section 18-19(b)(16). Council determined that this question would be best addressed as an amendment to section 18 and asked that Staff bring back recommendations about how to address that question. They spoke favorably about food trucks and ice cream trucks operating in the City.

Temporary Outdoor Sales (Section 27-11.30-D): This section pertains to vendors selling items like pumpkins and Christmas trees. The Community Council recommended lowering the current 90 limit on sales to 60 days, which was favorably received by the City Council and accepted.

Location of Off-Street Parking (Section 27-12.60-B): This section regulates where citizens can park their recreational vehicles and outlines the required setbacks from the property line. The recommendation of the Community Council was to reduce the parking setbacks to zero (0) feet from the property line. After discussion Council determined that they would leave this code section as it is currently written and revisit it later, if necessary.

Concurrent Variances (Section 27-18.110): The proposed draft of the new zoning code made provisions to allow concurrent variances, which the Council did not support. They decided to leave this section as it currently stands and revisit the

issue in the future.

Exemptions (Stream Buffers) (Section 16-8.40-A): The recommendation of the Planning Commission is to allow limited land disturbance up to the 25 foot state designated stream buffer. Council determined that they were comfortable with those suggestions and indicated that they would go with that recommendation.

Access Management (Section 16-16.20-T): The issue under discussion was whether to change the wording of section 16-16.20-T(9) to read "must" rather than "should". Council agreed to use the word "must".

Application Filing (Appeals of Administrative Decisions) (Section 16-5.80-C): Consensus for this item was that deadlines should be consistent across all application types.

Minor Subdivision Procedure (Article 14): This provision would be altered so that neighborhoods receive public notice of minor subdivisions whereas they previously did not. Council was in agreement with this change.

Uses Allowed (Residential Zoning Districts) (Section 27-4.20): This item pertained to allowing stables in areas zoned R-150. Since there is only one parcel in Dunwoody that matches this designation Council did not believe it was a necessary inclusion in the rewrite and indicated that they would like it removed.

Single-Dwelling Districts (Section 27-4.30-B): Council indicated that they would like to leave this section as it currently stands, with a rear setback of 40 feet.

Establishing a Planned Development (Section 27-6.20-B): The suggested amendment was to allow planned developments outside of the two subareas where they are currently permitted. The requirement would be 10 acres for commercial projects and 25 acres for residential projects. There was discussion about the size requirements for these parcels and Council decided that they would like to revisit the issue with some recommendations from Staff about 15 acres versus 25 acres for residential development.

Residential Composting (Section 27-10.60): As there was no provision of any sort in the zoning code regarding residential composting this amendment was proposed in order to restrict any sort of meat products or waste from carnivorous animals from being included in compost piles. The Mayor and Council were in support of this recommendation.

Temporary Portable Storage Containers (Section 27-11.30-E): Currently there is a 60 day limit for locating temporary portable storage containers on a property when a construction permit is involved. The feeling was this timeline might be too short so the recommendation of the Planning Commission was to extend the term to 120 days. Council agreed to this extended limit with the provision that, if a project is completed before the 120 day limit expires, a C.O. or letter of completion will not be issued until after the temporary container has been removed.

Maximum Height (Fences and Walls) (Section 27-15.20): The suggested amendment by the Planning Commission was to require any nonconforming fences that are being replaced due to damage or deterioration must be of the same height if they are to retain nonconforming designation. The Council agreed with this decision and made no changes.

Landscape Material and Design (Section 27-13.80): This item changed the minimum requirement for shrubs and ornamental grasses from 3 gallons to 1 gallon and removed the footnote in section 27-13.80-I. Council made no changes to this item.

Neighbor Communications Summary (Section 27-19.40): The Planning Commission suggested specifying a form of communication for official neighbor notification that the City can easily confirm and document such as an affidavit from the applicant. The Council made no changes to this recommendation.

Terms Beginning with "H" (Section 27-32.10-H): The intention of this amendment is to remove the word "pit bull", from the household pet definition. Council agreed to remove breed specific language from this section but asked Staff to look at best practices for identifying and/or restricting problematic breeds or animals.

Steve Dush also presented and answered questions of Council regarding a list of recent revisions made to the zoning code by staff and the consultants based on their successive staff examination of the draft:

1. Section 27-2.50: Expired, Obsolete and Converted Zoning Districts
2. Section 27-4.30: Lot and Building Regulations – this provision provides for a more accurate measuring metric for large or unusually shaped parcels.
3. Section 27-8.20-B: Rooming House - defines this specific use-type of group living. Council asked that this item be brought back for discussion at a future meeting.
4. Section 27-9.20: Attached Houses – makes this section more pertinent to the type of development that is wanted in Dunwoody.
5. Section 27-9.120: Multi-Unit Residential Buildings - cleans up the wording of the section.
6. Section 27-10.40: Household Pets – Council asked that Staff return with research about best practices regarding regulations on household pets.
7. Section 27-30.20: Lot frontage – will be brought back to Council with clarification for frontage measurements added.
8. Section 27-32.10-L: Terms beginning with L – the definition of lot width was eliminated because it is being absorbed under the definition of "lot frontage".
9. Section 27-32.10-H Terms beginning with H - removes the word "pit bull", from the household pet definition. Council agreed to remove breed specific language from this section and asked Staff to look at best practices for identifying and/or restricting problematic breeds or animals outside of the zoning code.

N. OTHER BUSINESS

There was no other business.

O. INITIATION OF TEXT AMENDMENTS

There was no initiation of text amendments.

P. PUBLIC COMMENT

Robert Wittenstein – 1146 Bordeau Court – spoke in favor of the stream buffer changes that were developed by the Zoning Board and encouraged Council to make use of them as presented because a great deal of thought was put into their development.

Q. MAYOR AND COUNCIL CLOSING COMMENTS

Council Member Thompson encouraged the citizens to comment and get involved with this process.

Council Member Shortal noted his support for what Council Member Thompson said.

The Mayor and Council then discussed issues related to the zoning code rewrite that they would like to raise for discussion at the council meeting next week. These topics include: home occupations, the definition of "household pet", zoning for health clubs and athletics fields, bike lanes, shared parking, adult use issues, front yard gardens, public notice, sharerows, public hearing notice for appeals, kindergarten/day care fencing, on street parking, single family residences, and parking.

R. EXECUTIVE SESSION

1. For the Purposes of Legal, Real Estate, and Personnel Discussions.

No executive session was held.

S. ADJOURNMENT

Council Member Thompson moved to adjourn. Council Member Deutsch seconded.

The motion was voted and passed. For: 6; Against: 0; Abstain: 0; Absent: 1.