

CITY OF DUNWOODY
June 13, 2013
COMMUNITY COUNCIL MINUTES

The Community Council of the City of Dunwoody held a Meeting on June 13, 2013 at 7:00 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: Norb Leahy, Chairman
 Rick Callihan, Vice Chairman
 Claire Botsch, Community Council Member
 Tony Delmichi, Community Council Member
 Debbie Montgomery, Community Council Member

Also Present: Steve Dush, Community Development Director
 Rebecca Keefer, City Planner
 Christie Mager, Planning Coordinator

A. CALL TO ORDER

B. ROLL CALL

All members were present except Clayton Coley and Sam Verniero.

C. MINUTES

1. Approval of Meeting Minutes from March 14, 2013 Community Council Meeting.

Rick Callihan motioned to approve. Claire Botsch seconded.

The motion was voted and passed (4 - 0). Debbie Montgomery abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

Council Members stated to review the new ordinances with property owners in mind.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. Rewrite and codification of the City of Dunwoody City Code Chapters 27, Zoning, and 16, Land Development, and all previous amendments thereto.

Rebecca introduced the Zoning and Land Development Code Rewrite, providing a synopsis of the entire process thus far and highlighting the major topics of discussion.

Norb Leahy opened public comment.

Bob Lundsten, resident in Dunwoody and former president of Dunwoody

Homeowners Association, commented on the use of concurrent variances.

Mr. Lundsten expressed concern that developers would be given too much power and noted that planning-related issues would result.

Bob Wolford, Dunwoody resident, commented on the problems that will result from allowing home occupations and urged the Council not to approve the regulations.

Norb Leahy closed public comment.

Members of the Council discussed topics in both drafts of the revised chapters.

Section 16-10.50-D. Removal of Specimen Trees: The Council discussed the ability to remove trees on residential lots. Members felt that homeowners should be allowed to remove more than one specimen tree per calendar year.

Rick Callihan motioned to eliminate the requirement for a permit to remove one specimen tree per calendar year. Tony Delmichi seconded.

The motion was voted and passed (5 - 0).

Section 16-7.30-I. Applicability and Exemptions (Soil Erosion, Sedimentation and Pollution Control): Members of the Council sought explanation from Staff on the regulations being placed on the Department of Transportation. Staff clarified that the regulation mimics state standards, stating secondary permittees need to comply and the exemption is based on the criteria as laid out in the section. In other words, the Department of Transportation is exempt only in so far as what is outlined in the provision.

No further action was taken.

Section 16-7.80 Liability: Members of the Council sought clarity on the provisions as set forth in the section. Staff clarified that under any plan approved according to Article 7, if any damage results from said plan, then the individual performing the work is responsible to make amends, not the City.

No further action was taken.

Due to inclement weather, the Council Members discussed recessing the meeting until Tuesday, June 18, 2013 at 6:00 p.m.

Claire Botsch motioned to recess. Tony Delmichi seconded.

The motion was voted and passed (5 - 0).

Section 16-7.70-B. Penalties: Members of the Council asked questions of

Staff related to the \$2,500.00 fee charged for violations to the provisions in Article 7. Staff explained that City Inspectors visit each site with an active land disturbance permit at least once a week in order to survey the property and ensure the work being done is in compliance to regulations. Furthermore, any violations are given three days for remediation. After some discussion, Council Members were in agreement that monetary penalties are necessary so as to ensure the right measures are taken by permittees.

No further action was taken.

Section 16-8.10 Applicability (Stream Buffers): Council Members sought clarity from Staff as to where types of streams were defined. Staff noted Section 16-4.10-S contains the definitions of ephemeral, intermittent, and perennial streams.

No further action was taken.

Section 16-8.40-B. Special Administrative Permits: Members of the Council discussed with Staff the classification given to multi-use trails. Staff noted that multi-use trails are not necessarily considered park property and can be located anywhere.

No further action was taken.

Section 16-12.10 Flood Damage Prevention: Council Members questioned Staff as to whether or not floodplain information is mapped. Staff confirmed that GIS maps are on the city's website.

No further action was taken.

Section 16-15.20-O. Disclosure Statement: Members of the Council sought clarity from Staff as to whose responsibility it is to complete the disclosure statement on the final plat. Staff confirmed it is the responsibility of the applicant, which can be the property owner or owner's agent.

No further action was taken.

Section 16-16.20 J. Street Cross-Sections: Council Members asked Staff why the size of travel lanes on "local streets" was reduced from twelve feet to ten feet. Staff listed the multiple benefits involved with the reduction.

No further action was taken.

Section 16-16.70 Common Open Space: Council Members questioned whether the restrictions left enough flexibility for developers in terms of the amount of open space being required. Staff noted that the provisions are put in place in order to reduce the amount of hardscape for new residential subdivisions of 5 acres or greater, consisting of more than 36

dwelling units.

No further action was taken.

Section 16-16.80 Public and Civic Sites: Council Members and Staff discussed the intent behind the provision. Staff plans to explore different language due to concerns brought up.

Rick Callihan motioned to remove Section 16-16.80 from Chapter 16. Tony Delmichi seconded.

The motion was voted and passed (3 – 2). Claire Botsch and Debbie Montgomery were the dissenting votes.

Section 16-17.40-H. Sidewalks and Bicycle Lanes: Members of the Council sought clarity from Staff as to whether or not the regulations required developers to install sidewalks and bike lanes inside a new subdivision. Staff explained the chart in Section 16-16.20-J is the driving force in this determination.

No further action was taken.

Appendix A. Tree Replacement Density Factor Calculations: Council Members sought clarity as to the purpose behind the calculations. Staff made it clear that the calculations are for new developments.

No further action was taken.

Members of the Council stated that the understanding among some homeowners is that fewer permits will be required from the City from the new provisions in the Code Rewrite. Staff explained that the State determines which projects do not require building permits and the information can be located in Chapter 8 – Buildings and Building Regulations.

No further action was taken.

Section 27-4.30-B. Single-Dwelling Districts: Council Members discussed with Staff the sizes of residential lots. Staff clarified the sizes are *minimum* standards and also explained the reasoning behind increasing the maximum lot coverage standards.

No further action was taken.

Council Members sought clarity as to where apartments can be located. Staff explained that apartments can be in multi-family zoning districts and highlighted the removal of the Special Land Use Permit provision in Office-Institution Districts.

No further action was taken.

Article 7 Overlay Zoning Districts: Members of the Council and Staff discussed the land uses allowed in the Dunwoody Village Overlay District and how the Comprehensive Plan affects the zoning.

No further action was taken.

Section 27-8.20 Residential Use Category: Members of the Council sought clarity as to whether or not houses can be rented in residential districts for less than 30 days. Staff explained that the provision is in place in order to prevent frequent turnover and went on to explain the definition of a household.

No further action was taken.

Section 27-8.60-A. Agriculture: Council Members asked about the possibility of not classifying chickens as livestock. Staff stated that due to recent conflicts on the subject, the provision was not modified in the Code Rewrite.

No further action was taken.

Section 27-9.80 Food Trucks: Members of the Council and Staff discussed whether or not ice cream trucks are considered food trucks. Staff confirmed that they are not considered food trucks and will look into what other parts of the ordinance classify them as.

No further action was taken.

Section 27-10.100 Retail Sales Kiosks, Vending Machines and Donation Drop Boxes: Council Members and Staff conversed about where drop boxes can be located.

No further action was taken.

Section 27-11.30-D. Temporary Outdoor Sales: Members of the Council and Staff discussed the duration regulations of temporary outdoor sales and outdoor seasonal sales.

Rick Callihan motioned to change 90 days to 60 days for temporary outdoor seasonal sales. Claire Botsch seconded.

The motion was voted and passed (4 – 0 – 1). Tony Delmichi abstained.

Section 27-12.60-B. Location of Off-Street Parking – Residential Districts: Council Members discussed the distance trailers and recreational vehicles can be parked on homeowners’ properties from lot lines.

Tony Delmichi motioned to reduce the parking requirements of trailers, recreational vehicles and similar vehicles to the property line. Rick Callihan seconded.

The motion was voted and passed (5 – 0).

Section 27-18.110 Concurrent Variances: Members of the Council and Staff debated the implications of the Mayor and Council deciding the outcomes of variances simultaneously with amendment applications.

Rick Callihan motioned to remove concurrent variance regulations from Chapter 27. The motion died due to lack of a second.

Section 27-32.10-G. Terms Beginning with “G”: Council Members asked Staff why greenspace needs to be defined. Staff clarified the importance of greenspace and noted the benefits of its designation.

Claire Botsch motioned to approve the Zoning/Land Development Code Rewrite with amendments. Rick Callihan seconded.

The motion was voted and passed (4 – 0 – 1). Tony Delmichi abstained.

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMUNITY COUNCIL COMMENT
- J. ADJOURN

Rick Callihan motioned to adjourn. Claire Botsch seconded.

The motion was voted and passed (5 - 0).

Approved by:

Chairman

Attest:

Secretary

**CITY OF DUNWOODY
July 9, 2013
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on July 9, 2013 at 7:00 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: Bill Grossman, Chairman
Bob Dallas, Vice Chairman
Don Converse, Commission Member
Tom Dwyer, Commission Member
Renate Herod, Commission Member
Paul Player, Commission Member

Also Present: Steve Dush, Community Development Director
Rebecca Keefer, City Planner
Christie Mager, Planning Coordinator
Scott Robichaux, Legal Counsel

A. CALL TO ORDER

B. ROLL CALL

All members were present, except Kirk Anders.

C. MINUTES

- 1. Approval of Meeting Minutes from June 11, 2013 Planning Commission Meeting.

Commission Member Tom Dwyer motioned to approve. Commission Member Don Converse seconded.

The motion was voted and passed (5 – 0 – 1). Paul Player abstained.

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

E. UNFINISHED BUSINESS

F. NEW BUSINESS

- 1. Rewrite and codification of the City of Dunwoody City Code Chapters 27, Zoning, and 16, Land Development, and all previous amendments thereto.

Rebecca introduced the Zoning/ Land Development Code Rewrite –giving background on the entire process and noting the substantive changes to both chapters.

Rebecca also presented the outcomes of the Community Council meeting and highlighted the most recent updates to the drafted ordinances.

The Commission discussed Chapter 16 as follows and voted on the items

after the public comment period.

Section 16-10.50-D. Removal of Specimen Trees: Members of the Commission sought clarification of the policy to remove one tree per calendar year on residential lots. Staff provided information as to what the regulation specifically means and the various provisions it includes.

Section 16-3.20-D. Applicability: Commission Members and Staff discussed the reasoning behind establishing thresholds for commercial developments to provide for public right-of-way improvements.

Section 16-5.80-C. Application Filing (Appeals of Administrative Decisions): Commission Members suggested changing the deadline for appeals from 15 days to 30 days in order to be consistent with other deadline requirements. Staff will look further into it.

Article 8. Stream Buffers: Members of the Commission and Staff discussed the length of stream buffers, and the change in definitions. The Commission showed support for the new stream classifications.

Section 16-8.40-A. Exemptions: Commission Members and Staff discussed the benefits to characterizing stream buffers as "no-disturbance" areas as well as the implications involved in omitting certain activities from stream buffer regulations or reducing the size of the buffer. Staff advised that future annual reviews of the proposed ordinances will provide opportunities to refine regulations in case certain instances deem them as being inappropriate for the community.

Section 16-8.40-B. Special Administrative Permits: Members of the Commission stated multi-use trails should not be allowed in stream buffers due to the change in current design standards. Staff clarified that the regulation only comes into effect for trails on Council approved plans, which undergo a public outreach process and still have to maintain the 25 foot state stream buffer.

Part III. Subdivisions: Staff explained the substantive changes in subdivision regulations.

Section 16-16.20-T. Access Management: Commission Members and Staff discussed how deceleration lanes *should* be provided in accordance with Georgia Department of Transportation Regulations for Driveway and Encroachment Control (Driveway Manual).

Bill Grossman opened public comment.

Ken Ashhurst, resident at 5321 Seaton Drive, spoke on the Minor Subdivision regulations in Chapter 16, Article 14 and the various impositions it includes.

Bill Grossman closed the public comment.

Members of the Commission asked questions of staff in regard to the approval process for subdivision plats.

Bill Grossman stepped out of the Council Chambers momentarily.

Commission Member Renate Herod motioned to remove Section 16-10.50-D. Commission Member Paul Player seconded.

The motion was voted and passed (5 - 0).

Commission Member Renate Herod motioned to amend Section 16-8.40-A to allow limited land disturbance to build or rebuild decks, porches, and accessory uses up to the 25 foot state stream buffer. Commission Member Don Converse seconded.

The motion was voted and passed (4 - 1). Bob Dallas dissented.

Commission Member Tom Dwyer motioned to change Section 16-16.20-T(9) "must" to "should." Commission Member Paul Player seconded.

The motion was voted and passed (5 - 0).

Commission Member Paul Player motioned to change the appeal deadline to 30 days in Section 16-5.80-C. Commission Member Renate Herod seconded.

The motion was voted and passed (5 - 0).

Commission Member Renate Herod motioned to include a provision for public notification in the Minor Subdivision regulations. Commission Member Tom Dwyer seconded.

The motion was voted and passed (4 - 1). Paul Player dissented.

The Commission discussed Chapter 27 as follows and voted on the items after the public comment period.

Section 27-4.20 Uses Allowed: Members of the Commission and Staff discussed why stables were removed from commercial districts. Staff noted that they are still allowed in residential districts that provide for larger lots.

Section 27-4.30-B. Single-Dwelling Districts: Commission Members and Staff debated regulations placed on setbacks and lot coverage for residential property.

Bill Grossman returned to the meeting.

Section 27-7.20-B. Redevelopment: Members of Commission conversed on the appropriateness of continuing to limit the Dunwoody Village Overlay District to the pre-1900 Mid Atlantic American Colonial Architecture style. It was clarified that the redevelopment provisions intend to give potential

developers more design possibilities for the area.

Section 27-6.20-B. Establishing a Planned Development: Members of the Commission and Staff discussed the possibility of making planned developments available outside of the current subareas. Commission Members showed support for this provision so long as there is a minimum of 10 acres.

Section 27-7.20-C. Thresholds for Compliance: Commission Members sought clarity as to where thresholds for full compliance occur in Dunwoody.

Section 27-8.20-A. Household Living Category: Members of the Commission sought clarity on whether the "Mixed-use Building, Vertical" category was a new addition to the ordinance. It was confirmed that the category is new due to this proposed residential building type not being currently allowed in any existing district.

Section 27-9.10-A. Animal Hospitals and Veterinary Clinics: Commission Members and Staff discussed the provision of not allowing boarding services unless when required in connection with medical treatment or the hospital is located in a zoning district that allows animal boarding. Staff noted animal hospitals are allowed in OCR, NS, C-1, CR-1, C-2 and M zoning districts.

Section 27-9.50 Community Garden: Commission Members and Staff discussed community gardens in residential zoning districts.

Section 27-8.40-E. Eating and Drinking Establishments: Members of the Commission debated making an exception to the noise ordinance in order to allow for ice cream trucks. Staff clarified why ice cream trucks are not included in the definition of food trucks.

Section 27-9.80 Food Trucks: Commission Members and Staff discussed where food trucks are allowed and the parking requirements associated with their presence.

Section 27-10.30-G. Supplemental Regulations for Type B Home Occupations: Members of the Commission and Staff conversed on where specialty parties for products, such as Tupperware and jewelry, fit in to the regulations. Staff clarified that these situations do not fit into the requirements for home occupations.

Section 27-10.60 Residential Composting: Commission Members discussed the importance of specifying meat products are not permitted in composting as well as limiting animal waste to carnivorous animals.

Section 27-11.30-E. Temporary Portable Storage Containers: Commission Members and Staff debated the duration temporary portable storage containers can be located on an individual's property. It was determined

that a construction permit provision should be added.

Section 27-11.30-B. Temporary Buildings: Members of the Commission felt that a certificate of occupancy and a certificate of completion should be noted in the provision of when temporary buildings should be removed.

Section 27-11.30-A. Garage Sales: Commission Members and Staff discussed the number of garage sales that should be permitted per calendar year.

Section 27-11.30-C. Temporary Outdoor Seasonal Sales: Members of the Commission and Staff conversed on where farmers markets fit in to the definition of temporary outdoor seasonal sales. Staff stated they are regulated through the provision of permits no being approved for the same lot or any portion of the same lot for a cumulative total of more than 90 days in any calendar year.

Section 27-12.20 Minimum Motor Vehicle Parking Ratios: Members of the Commission and Staff discussed parking ratios for adult uses in commercial districts. Staff mentioned that the provisions were not modified from current standards.

Section 27-12.60-B. Residential Districts (Location of Off-Street Parking): Members of the Commission sought clarity as to the meaning of "street yard."

Section 27-12.50-B. Replacement of Motor Vehicle Parking Spaces with Bicycle Parking Spaces: Commission Members and Staff discussed the purpose and intent behind allowing any nonresidential use to convert or substitute up to 25 parking spaces in exchange for providing bicycle parking spaces.

Section 27-12.60-B. Residential Districts (Location of Off-Street Parking): Members of the Commission debated the distancing requirements for parking trailers and recreational vehicles on residential property.

Section 27-13.30-C. Options (Parking Lot Interior Landscaping): Commission Members discussed the two options available for landscape islands. Staff clarified that the options give developers design choices.

Section 27-13.80-E. Shrubs and Ornamental Grasses: Members of the Commission directed Staff's attention to the minimum requirements being listed as inaccurate. Staff plans to reconcile provision in order to note shrubs and ornamental grasses must be a minimum size of 1-gallon.

Section 27-13.80-I. Installation: Members of the Commission sought clarity as to whether the city arborist was still currently evaluating proposed revisions to the installation provisions. Staff explained the footnote needed to be removed and that certain landscaping designs can be efficient with drip irrigation.

Section 27-15.20 Maximum Height: Members of the Commission and Staff discussed the limitations placed on fence heights in residential districts. It was recommended that homeowners be allowed to replace damaged or deteriorated fences like-for-like.

Section 27-17.100-C. Public Notices (Public Hearings): Commission Members discussed requiring public notices for all Public Hearing applications.

Section 27-18.70 Community Council Meeting and Recommendation: Members of the Commission discussed the removal of the Community Council from the Special Land Use Permit (SLUP) process.

Section 27-18.90 City Council Public Hearing and Decision: Members of the Commission discussed the ability of the Mayor and Council to defer an item and not remand it full-cycle, which would include the Community Council. Staff explained the Community Council's role in the decision-making process.

Section 27-18.110 Concurrent Variances: Commission Members questioned why staff recommends concurrent variances. Staff explained the benefits of allowing variances to be discussed in terms of how they affect the design of the development.

Section 27-19.40 Neighbor Communications Summary: Members of the Commission and Staff discussed the regulations that allow for different forms of communication in notifying neighbors of pre-submittal meetings.

Section 27-21.70-B. Review and Approval Criteria: Commission Members and Staff conversed about the conditions required for obtaining a variance.

Article 30. Measurements: Members of the Commission and Staff discussed how various zoning district requirements are determined throughout the City.

Article 32. Definitions: Commission Members and Staff discussed various changes made to definitions, such as whether or not pit bulls should be included as dogs, which are household pets, and the removal of "neighborhood" and "parking space."

Section 27-10.100 Retail Sales Kiosks, Vending Machines and Donation Drop Boxes: Members of the Commission and Staff discussed how the locations of drop boxes are currently situated and how the regulations will affect future determinations.

Bob Dallas opened public comment.

No one spoke.

Bob Dallas closed public comment.

Commission Member Renate Herod motioned to change Article 4 to include stables in R-150. Commission Member Bill Grossman seconded.

The motion was voted and passed (6 - 0).

Commission Member Tom Dwyer motioned to reduce rear yard setback from 40 feet to 30 feet. Commission Member Paul Player seconded.

The motion was voted and failed (3 - 3). Bob Dallas, Bill Grossman, and Renate Herod were the dissenting votes.

Commission Member Tom Dwyer motioned to reduce rear yard setback from 40 feet to 35 feet. Commission Member Don Converse seconded.

The motion was voted and failed (3 - 3). Bob Dallas, Bill Grossman, and Renate Herod were the dissenting votes.

Commission Member Bill Grossman motioned to allow planned developments in any appropriate mixed-use category where it meets the requirements of 10 acres for commercial properties and 25 acres for residential properties. Commission Member Don Converse seconded.

The motion was voted and passed (5 - 0 - 1). Paul Player abstained.

Commission Member Don Converse motioned to add note to Section 27-10.60 to prohibit meat products, eliminate Section 27-10.60-B and Section 27-10.60-C, and allow waste from herbivores to be used in composts in Section 27-10.60-G. Commission Member Paul Player seconded.

The motion was voted and passed (6 - 0).

Commission Member Tom Dwyer motioned to add language to Section 27-11.30-E for buildings under construction to be allowed temporary portable storage containers for a maximum of 120 days. Commission Member Renate Herod seconded.

The motion was voted and passed (6 - 0).

Commission Member Bill Grossman motioned to replace fences to same height. Commission Member Don Converse seconded.

The motion was voted and passed (6 - 0).

Commission Member Renate Herod motioned to change Section 27-13.80-E for the minimum size of shrubs and ornamental grasses to be 1-gallon and remove the footnote in Section 27-13.80-I. Commission Member Don Converse seconded.

The motion was voted and passed (6 - 0).

Commission Member Bill Grossman motioned to specify in Section 27-19.40 a form of communication the City can easily confirm and document

without relying on information from neighbors in the 500-foot radius and instead requires an affidavit from the applicant. Commission Member Don Converse seconded.

The motion was voted and passed (5 – 0 – 1). Paul Player abstained.

Commission Member Renate Herod motioned to remove the term “pit bull” from the household pet definition. Commission Member Don Converse seconded.

The motion was voted and passed (5 - 1). Paul Player dissented.

Commission Member Renate Herod motioned to approve with staff recommendations, subject to the Commission’s amendments. Commission Member Bill Grossman seconded.

The motion was voted and passed (6 - 0).

- G. OTHER BUSINESS
- H. PUBLIC COMMENT
- I. COMMISSION COMMENT
- J. ADJOURN

Approved by:

Chairman

Attest:

Secretary