



MEMORANDUM

To: Mayor and City Council
From: Steve Foote, AICP
Date: January 26, 2015
Subject: Resolution to Approve Waiver of Section 27-336
(RZ 15-011: 4681 Ashford Dunwoody Road).

ITEM DESCRIPTION

Section 27-336, Successive Applications, provides for only one application affecting all or a portion of the same property to be submitted every 24 months. This same section provides that the City Council may authorize a waiver or reduction of the 24 month period by resolution.

BACKGROUND

In order to consider the rezoning request (RZ 15-011) to amend the site plan and conditions of approval for the Spruill site, the City Council must first approve the prepared resolution waiving the 24 month period contained in Section 27-336.

RECOMMENDATION

Staff recommends approval of the prepared resolution to waive the 24 month successive application time period.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2015-XX-XX

A RESOLUTION TO WAIVE THE 24 MONTH REQUIREMENT FOR SUCCESSIVE REZONING APPLICATIONS FOR HDP ACQUISITIONS, LLC FOR 4681 ASHFORD DUNWOODY ROAD

WHEREAS: HDP Acquisitions, LLC, c/o Hotel Development Partners, LLC seeks permission to rezone and change zoning conditions on property located on the Eastern Side of Ashford Dunwoody Road, at its intersection with Asbury Square and Meadow Lane Road; and

WHEREAS: the Property, consisting of 5.2 acres of land, is currently zoned Commercial-Residential Mixed Use (CR-1), and the applicant seeks permission to amend the site plan to rezone the Property to Commercial-Residential Mixed Use (CR-1) to allow for a change of conditions to reference the updated Site Plan dated November 19, 2014 that includes additional variances granted by the City’s Zoning Board of Appeals on January 6, 2015; and

WHEREAS: Section 27-336 of the Zoning Code restricts successive rezoning applications for any particular property in the City to once every 24 months unless otherwise waived by Mayor and City Council by Resolution; and

WHEREAS: the Mayor and City Council find the said project an important aspect of the continued economic development of the City and are in support of granting the rezoning application, which is being requested less than 24 months after the applicant’s previous rezoning of this Property; and

WHEREAS: Pursuant to Section 27-336 this successive application is being brought more than 6 months after the previous application.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DUNWOODY, GEORGIA that, in accordance with Section 27-336 of the City of Dunwoody Zoning Code, the requirement for successive zoning applications as it relates to HDP Acquisitions’ application for rezoning for 4681 Ashford Dunwoody Road (RZ-15-011) is hereby waived

SO RESOLVED AND EFFECTIVE, this the 26th day of January, 2015.

Approved:

Michael G. Davis, Mayor

Attest:

Sharon Lowery, City Clerk

(Seal)