

AN ORDINANCE OF THE CITY OF DUNWOODY REVISING CERTAIN PROVISIONS OF ZONING ORDINANCE (CHAPTER 27 OF THE CITY CODE) BY REMOVING THE COMMUNITY COUNCIL FROM THE ZONING PROCESS AND DISSOLVING THE COUNCIL

WHEREAS, the City of Dunwoody is charged with providing for the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody's Zoning Code currently provides the Community Council as part of the process of review of zoning text amendments, map revisions, rezonings, SLUPs and other related matter as provided by the Code; and

WHEREAS, as part of streamlining the zoning process and making it timely and accessible, the Mayor and City Council find it necessary to reduce said process to the necessary steps and believe that review by a Community Council is duplicative of the role of the Planning Commission; and

WHEREAS, as a result, the Mayor and Council find that the need for a Community Council in the zoning process has run its course and the needs of the City and the applicants can be better served by the Planning Commission and City Council without additional steps; and

WHEREAS, the Mayor and City Council have conducted a properly-advertised Public Hearing prior to adoption of this Ordinance.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 27 (Zoning) of the City of Dunwoody Code is hereby revised by amending Article V (Review and Approval Procedures), Sections 27-306 (Neighbor Communication Summary), 27-329 (Neighbor Communication Summary), 27-332 (Community Council Meeting and Recommendation) and 27-354 (Neighbor Communication Summary) to read as follows:

Sec. 27-306. - ~~Neighbor communication summary~~Applicant-Initiated Meeting.

(a) *Purpose.* The purpose of ~~neighbor communication summary~~applicant-initiated meeting requirements is to help educate applicants for development approvals and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests, and to identify unresolved issues.

(b) *Applicability.* ~~Neighbor communication summaries~~Applicant-initiated meetings are required to be ~~submitted~~held whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

~~(c) *Written Notice.* Written notice is required for all applicant-initiated meetings. The applicant or his/her representative is responsible for sending written notice via first class mail to the owners of all residentially zoned property within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax records of DeKalb County. The notices must be mailed at least 10 days before the date of the applicant-initiated meeting. Written notices must indicate the nature of the application and the date, time, place and purpose of the meeting.~~

In addition to the above notice procedures the following shall be performed:

(1) A notice of the meeting shall be sent to the City Planner at the below or current address:

City Planner
City of Dunwoody
41 Perimeter Center East, Suite 250
Dunwoody, GA 30346

(2) At least 7 days before but not more than 30 days before the date of the applicant-initiated meeting, notice of the meeting must be published in a newspaper of general circulation in the city.

~~(ed)~~ *Summary report.* The applicant must submit a ~~neighbor communications~~summary of the applicant-initiated meeting at the time of application submittal. The summary report must describe:

(1) Efforts to notify neighbors about the ~~proposal~~meeting date, time, and location (how and when notification occurred, and who was notified);

~~(2) How information about the proposal was shared with neighbors (mailings, workshops or meetings, open houses, flyers, door-to-door handouts, etc.);~~

(2) Meeting location, date and time;

(3) Who was involved in the discussions;

(4) Suggestions and concerns raised by neighbors; and

(5) What specific changes to the proposal were considered and/or made as a result of the ~~communications~~meeting.

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Sec. 27-329. - ~~Neighbor communications summary~~Applicant-Initiated Meeting.

~~Neighbor communication summaries~~Applicant-initiated meetings are required for all owner-initiated applications for amendments (see the ~~neighbor communication summary applicant-initiated meeting~~ provisions of section 27-~~305~~306). If there is no residential zoned ~~property~~ing within 500 feet of the property under consideration, the applicant is exempt from ~~neighbor communication summary applicant-initiated meeting~~ requirements.

~~Sec. 27-332. - Community council meeting and recommendation.~~

~~The community council must consider proposed amendments in a public meeting and act by simple majority vote to recommend that the proposed amendment be approved, approved with conditions or denied based on the applicable review and approval criteria of section 27-335. The community council's recommendation must be transmitted to the planning commission. Failure of the community council to make a recommendation during the meeting in which the amendment is first presented does not constitute grounds for postponement, deferral or denial of any proposed amendment by the planning commission or by the mayor and city council. The Community council may not defer action on a request except at the request of the applicant.~~Reserved.

Sec. 27-354. - ~~Neighbor communications summary~~Applicant-Initiated Meeting.

~~Neighbor communication summaries~~Applicant-initiated meetings are required for all special land use permits (see the ~~neighbor communication summary applicant-initiated meeting~~ provisions of section 27-~~305~~306). If there is no residential zoned ~~ing~~property within 500 feet of the property under consideration, the applicant is exempt from ~~neighbor communication summary applicant-initiated meeting~~ requirements.

Section 2: Chapter 27 (Zoning) of the City of Dunwoody Code is hereby further revised by amending Article VI (Administration and Enforcement) by deleting Section 27-493 (Community Council) in its entirety and leaving the Section "Reserved."

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2015-XX-XX

Section 3: Upon approval of this Ordinance, the Community Council shall be dissolved.

Section 4: This Amendment shall become effective upon approval by the Mayor and 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 8th day of June, 2015.

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Office of City Attorney

CITY OF DUNWOODY
May 11, 2015
CITY COUNCIL MEETING MINUTES

The City Council of the City of Dunwoody held a Meeting on May 11, 2015 at 6:00 PM. The meeting was held in the City of Dunwoody City Hall, 41 Perimeter Center East, Suite 103, 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
Jim Riticher, Council Member
Denis Shortal, Council Member
Doug Thompson, Council Member

Also Present: Eric Linton, City Manager
Sharon Lowery, City Clerk
Cecil McLendon, City Attorney
Lenny Felgin, Assistant City Attorney
Billy Grogan, Chief of Police
Steve Foote, Community Development Director
Chris Pike, Finance Director
David Elliot, Storm Water Manager
Lillie Read, Assistant to the City Clerk
Chris Bellew, Records Clerk

CALL TO ORDER

Mayor Davis called the meeting to order.

INVOCATION

Council Member Deutsch provided the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Riticher led the Pledge of Allegiance.

REPORTS AND PRESENTATIONS

1. Announcement by Community Development Director Steve Foote.

Steve Foote announced to Council that they may want to consider deferring the three public hearings to May 26, 2015.

2. Update on Lake Hearn and Peachtree Dunwoody Intersection Improvements Project. (Yvonne Williams)

Yvonne Williams provided an update on the Lake Hearn and Peachtree Dunwoody Intersection Improvements project. PCIDs has applied for a \$4 million grant and received a letter from Sandy Springs showing their support for moving forward with the project. She asked that the City of Dunwoody provide a similar letter of support.

3. Presentation of Internal Audit Report. (Bill Mulcahy)

Bill Mulcahy presented and answered questions of Council. The first quarter audit addressed municipal court and next quarter's audit will look at permitting and inspection fees.

4. YTD Financial Report for March 31, 2015. (Chris Pike)

Chris Pike presented the YTD Financial Report to Council. Building permit revenue is up due largely to the State Farm development. Business license revenue is slightly up and expenses remain as expected.

5. 2015 General Assembly Legislative Update. (Chris Pike)

Chris Pike presented the 2015 General Assembly Legislative update. The city kept an eye on the transportation bill HB170 and the sales tax bill HB215. HR 4 is progressing and it is up to the House as to whether it receives a ballot question in 2016.

PUBLIC COMMENT - Public Comment allows the Board the opportunity to listen to the public (3 minutes per speaker/30 minutes total).

Laura Cook – spoke on behalf of JAT Consulting and said it has been an honor for JAT to work as a partner with the City of Dunwoody.

David Fuller – 1368 Martina Drive, asked that Council approve the IGA with DeKalb County for storm water repairs at 5450 Bunky Way.

Jeff Gillatte – 5458 Bunky Way, urged Council to approve the IGA for storm water repairs and thanked them for their help with this issue.

PUBLIC HEARING(S)

6. RZ 15-021: Cypress Communities, LLC, applicant, on behalf of owner, CQ Dunwoody Village Court, LLC, seeks permission to rezone property currently zoned Office-Institution (O-I) District to Multi-dwelling Residential District (RM-100) to allow for construction of an 81-unit townhome development. The subject

property consists of two parcels: tax parcel 18-366-060-61 located at 1530 Dunwoody Village Parkway, Dunwoody, GA 30338, and tax parcel 18-366-060-65 located at 1536 Dunwoody Village Parkway, Dunwoody, GA 30338. (ORDINANCE 2015-XX-XX) (Steve Foote)

- Open Public Hearing – Mayor Davis opened the public hearing without objection.
- Presentation by Community Development
- Presentation by Applicant
- Open Public Comment – Mayor Davis opened public comment. There were no comments made.
- Close Public Comment – Mayor Davis closed public comment.

Council Member Riticher moved to defer this item until the May 26 meeting. Council Member Deutsch seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

- Close Public Hearing – The public hearing remained open and will be continued at the May 26, 2015 meeting.

7. CP 15-051: Cypress Communities, LLC applicant on behalf of CQ Dunwoody Village Court, LLC, seeks permission to amend the Dunwoody Village Master Plan section of the Comprehensive Plan Land Use Map from Small-Scale Office to For-Sale Residential, to allow for the construction of townhomes at 1536 Dunwoody Village Parkway, Dunwoody, GA 30338, tax parcel 18 366 060 65, as part of an 81-unit townhome development with 1530 Dunwoody Village Parkway, tax parcel 18 366 060 61, to the north. (Steve Foote)

- Open Public Hearing – Mayor Davis opened the public hearing without objection.
- Presentation by Community Development
- Presentation by Applicant
- Open Public Comment – Mayor Davis opened public comment. There were no comments made.
- Close Public Comment – Mayor Davis closed public comment.

Council Member Shortal moved to defer this item until the May 26 meeting. Council Member Deutsch seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

- Close Public Hearing – The public hearing remained open and will be continued at the May 26, 2015 meeting.

8. Meeting process amendments to the Code of Ordinances. (Steve Foote)

- Open Public Hearing – Mayor Davis opened the public hearing without objection.

- Presentation by Community Development
- Presentation by Applicant
- Open Public Comment – Mayor Davis opened public comment. There were no comments made.
- Close Public Comment – Mayor Davis closed public comment.

Council Member Shortal moved to defer this item until the May 26 meeting. Council Member Heneghan seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

- Close Public Hearing – The public hearing remained open and will be continued at the May 26, 2015 meeting.

CONSENT AGENDA

9. April 27, 2015 City Council Meeting Minutes.
10. Resolution Appointing a Member to the Dunwoody Board of Zoning Appeals. (RESOLUTION 2015-05-XX) (Mayor Davis)
11. Resolution Appointing a Member to the Dunwoody Planning Commission. (RESOLUTION 2015-05-XX) (Mayor Davis)
12. Intergovernmental Agreement with Doraville to Install a Mid-Block Crosswalk on Tilly Mill Road. (Michael Smith)

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

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

BUSINESS ITEMS

13. Approval of an Intergovernmental Agreement with DeKalb County for Storm Water Repairs at 5450 Bunky Way (David Elliott)

David Elliot presented and answered questions of Council. The Intergovernmental Agreement with DeKalb County will provide for a 50/50 cost sharing arrangement between the City and DeKalb County.

Council Member Nall moved to approve the IGA. Council Member Heneghan seconded.

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.

DISCUSSION ITEMS14. Discussion of Vendor Selection for Municipal Service Providers. (Chris Pike)

Chris Pike presented and answered questions of Council. The City received 10 proposals for 18 service areas; several firms bid on multiple areas. All proposers were given three opportunities to give their technical proposals or price proposals. Staff asked for direction from Council regarding the firms recommended by the review committee as well as input regarding bringing the Parks and Recreation Director as well as the Finance and Administration department in-house.

PUBLIC COMMENT - Public Comment allows the Board the opportunity to listen to the public (3 minutes per speaker).

CITY MANAGER COMMENTSCOUNCIL COMMENTS

Council Member Shortal asked citizen to take a moment on Memorial Day to remember those who gave their lives in defense of our country.

Council Member Riticher noted that the new location of the Arts Festival was great and that the event organizers did a good job.

Council Member Heneghan announced that he and Council Member Thompson have discussed and agreed to have their Citizen Engagement meeting in August at Dunwoody High School in an effort to engage a younger demographic in the process.

EXECUTIVE SESSIONADJOURN

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

The motion was voted and passed. For: 7; Against: 0; Abstain: 0; Absent: 0.