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**To: Mayor and Council**

**From: Richard McLeod, Director of Community Development**

**Date: June 15, 2020**

**Subject: Decision on Office in Dunwoody Village**

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### **ITEM DESCRIPTION**

At the Council meeting on June 1, Mr. Matt Parisis spoke at the public comment section about a medical office that a firm would like to use at 1720 Mt .Vernon Road. The property is currently in the Dunwoody Village and under a moratorium. The City Council must make the decision on if the office is really a medical office where patients are seen or just an office where the staff of the employers meet and go forth to other locations to provide the services.

### **BACKGROUND**

Medical office/clinic is an allowed use under the zoning which is in the village and zoned O-I. However, the fact that the office is more like a home health care service when they do administrative and back office work which is also allowed in the O-I. Council is being asked does the service that they provide fall under the medical office/clinic as is listed under the moratorium as an exemption or a home health care service which is not listed as an approved exemption.

### **RECOMMENDATION**

No opinion.

**A RESOLUTION AMENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL USE APPROVAL, PERMITTED USE APPROVAL, OR BUILDING, LAND DISTURBANCE SITE PLAN AND DESIGN REVIEW OR OTHER PERMITS FOR ANY CONSTRUCTION IN THE VILLAGE OVERLAY DISTRICT**

WHEREAS, the Mayor and City Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety and welfare of citizens of the City of Dunwoody (“City”); and

WHEREAS, the City currently has a Dunwoody Village Overlay District (“Village Overlay”) which has been adopted over the Dunwoody Village area of the City as defined in the Village Overlay (“Village Overlay Area”); and

WHEREAS, a copy of the current Village Overlay is attached hereto as Exhibit “A”; and

WHEREAS, on January 13, 2020, the Mayor and Council voted to amend the Temporary Moratorium regarding the Village Overlay to exempt other eating and drinking establishments, health clubs, and medical offices/clinics from the moratorium; and

WHEREAS, after a period of analysis and input from the City Council, City Staff and the public, a proposed amendment to the Village Overlay has been completed and is prepared to move through the zoning process for anticipated adoption by the City (“Village Overlay Amendment”); and

WHEREAS, on December 9, 2019, the Mayor and Council enacted a Temporary Moratorium regarding Village Overlay Area to prohibit the filing of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits such moratorium will allow the City the opportunity to move the Village Overlay Amendment through the zoning process to receive public input and for the City council to consider the Village Overlay Amendment for adoption; and

WHEREAS, the COVID-19 Pandemic has created a State of Emergency that has not allowed for the proper public engagement; and

WHEREAS, after review, the Mayor and Council have determined that it is in the best interest of the City to amend the Temporary Moratorium as set forth below to exempt certain uses from the Temporary Moratorium.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA:**

**Section 1.** The Amendment to the Temporary Moratorium imposed herein incorporates the findings and statements set forth in the preceding “whereas” clause. Basket page.

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clauses are made a part of this moratorium, and the aforesaid recitals are not mere recitals, but are material portions of this Resolution.

**Section 2.** This Amendment becomes effective immediately upon adoption of this resolution.

**Section 3.** Notwithstanding any provisions of the Code of Ordinances of the City of Dunwoody to the contrary, the moratorium on the filing, consideration, or approval of any new Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits in the Village Overlay Area, the Temporary Moratorium shall remain in force and effect; provided that, from the date of this Amendment forward, the following uses shall be exempt from the moratorium:

1. Other eating and drinking establishment; and
2. Health Club; and
3. Medical Office/Clinic
4. Interior remodeling for the purpose of complying with the Governor's executive order on social distancing.

**Section 4.** During the moratorium neither the City nor any of its departments or staff shall accept, process or review new applications for Applications for Special Use Approval, Permitted Use Approval, or Building, Land Disturbance, Site Plan and Design Review or other Permits within the Village Overlay Area regarding the uses set out in the moratorium.

**Section 5.** This moratorium shall expire at **11:59 p.m. on December 3, 2020**, and be of no further force and effect, unless shortened or extended by an official action of the Mayor and City Council of the City of Dunwoody.

**Section 6.** The moratorium period adopted in the Temporary Moratorium is deemed to be the appropriate minimum time for the development of such regulations without unduly diminishing the rights of individuals.

**Section 7.** This Resolution shall not apply to or otherwise effect completed applications duly filed prior to the effective date of this Resolution, however, this moratorium shall apply to all applications which have not been completed.

**Section 8.** The provisions of this Resolution are severable, and should any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, be held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

Approved:

**STATE OF GEORGIA  
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Lynn Deutsch, Mayor

Attest:

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Sharon Lowery, City Clerk

(Seal)

Approved As To Form:

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City Attorney