John Heneghan public statement at the Aug 23rd Dunwoody City Council Meeting regarding the Dunwoody Village rezoning proposal.

For the last several years the City of Dunwoody has been actively working with the residents of Dunwoody to put forward a comprehensive rezoning of the Dunwoody Village.  We have had numerous meetings to discuss uses, densities, impacts on the neighbors and after careful review of all variables a comprehensive rezoning plan was presented and was about to ratified when the Peachtree Shops of Dunwoody sued the City that the proposed buffers would be considered a taking.  There is a dispute as to the permeance of the undisturbed buffers, whereby Peachtree Shops of Dunwoody believed the condition of a prior rezoning to be just a covenant that expired in 1997 and the City and the residents believed that the buffers were part of the actual rezoning and therefore there permanently.

The City Council removed the subject properties to allow all parties time to prove that matter by finding the final zoning documents from DeKalb County.  To date I have seen ancillary data that I believe shows the intent for the 150 buffers to remain in place but am told by legal counsel that the threshold and documentation for undisturbed buffers have not been met.  Due to COVID restrictions, I am unsure if the DeKalb County records have been accurately searched nor if the final definitive documents will ever be found.

The City of Dunwoody and the Developer (Peachtree Shops of Dunwoody) have been negotiating to come up with a workable plan unfortunately the original process of the rezoning took into consideration of the wishes and desires of residents as was documented in numerous public meetings.  Based on what I know this proposal in front of us, this upzoning was not vetted nor discussed with the public prior to the Planning Commission just a month ago.

I understand that the residents do not feel they were a part of this negotiated compromise as they believe city communication has been limited and I am told that the developer has refused all communication with the residents of Dunwoody.  This is a far stretch from the outreach and communication that was done previously in our rezoning process.

In the original plan the property in question was to be rezoned to DV-1 (Dunwoody Village 1 or Village Commercial) which tops out at 4 stories and is less dense and after City and developer negotiations the plan being presented to us now proposes that the subject property on the edge of Dunwoody Village District now be up zoned to DV-4 which was written specifically for the Village Center.  This DV-4 Village Center zoning allows building heights up to 5 stories and allows for greater density and more impervious cover.  There is language in the rezoning that the western segment of the property would have a 35ft undisturbed is greatly reduced from that of the prior rezoning and there is an agreement that the border would not be used for primary buildings which makes me think that parking structures may be placed there which is also problematic.

There is a significant elevation difference between the commercial property and the single-family homes (~40’-60’ in some instances). This change would allow five story non-primary (possibly parking decks) be developed closer to the property line which would negatively impact the residents quality of life.

Based on what I am seeing, I see the City Council has numerous options in front of us to justly move forward.

The first is do nothing or more importantly vote this down as this would allow more time for DeKalb County to find the final rezoning documents and or for the Developer to appropriately communicate and negotiate with the residents.

Another solution is to look at the equity of the Dunwoody Village plan as it is in place, whereby I believe we should rezone this subject property to something appropriate with the rest of the plan.  I believe that this property based on the neighbors, the buffers, uses should not be rezoned to higher density DV-4 intended to the Center of Dunwoody Village but instead maybe to something less dense like DV-2 Dunwoody Village Office or DV-3 Village Residential which matches the adjacent zoning and both are just a maximum of three stories.

Long story, short I do not believe the proposed DV-4 zoning originally proposed for the Center of Dunwoody Village will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

I am ready to make a motion that we deny this request for DV-4 Village Center Zoning and or am happy to discuss other conditions or options to place another zoning type there to lessen the impacts on the neighbors.  I am happy to discuss rezoning back to a DV-1 area with an expanded dedicated buffer but I will not vote in favor of DV-4 which is not appropriate on the edge of Dunwoody Village directly abutting single family residential.

<https://fb.watch/7A7QiBvdm0/>

3:04:45 Heneghan start