



# PLANNING COMMISSION

Paul Player, Chair  
Kirk Anders  
Bob Dallas  
Bill Grossman

Richard Grove  
Renate Herod  
Thomas O'Brien

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## AGENDA

CITY OF DUNWOODY  
41 PERIMETER CENTER EAST, SUITE 103  
DUNWOODY, GA 30346

**FEBRUARY 14, 2017**  
**6:00 PM**

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### A. CALL TO ORDER

### B. ROLL CALL

### C. MINUTES

1. Approval of Meeting Minutes from January 10, 2017

### D. ORGANIZATIONAL AND PROCEDURAL ITEMS

2. Elect Chair

### E. UNFINISHED BUSINESS

### F. NEW BUSINESS

3. Review and consideration of Zoning Ordinance text amendments related to the subject of Design Review Advisory Committee plan review (Section 27-97(d)), residential infill (Section 27-147), prohibited variances (Section 27-392), and home occupations (Section 27-168).

### G. OTHER BUSINESS

### H. PUBLIC COMMENT

### I. COMMISSION COMMENT

### J. ADJOURN



**CITY OF DUNWOODY  
JANUARY 10, 2017  
PLANNING COMMISSION MINUTES**

The Planning Commission of the City of Dunwoody held a Meeting on January 10, 2017 at 6:00 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: Paul Player, Chair  
Bob Dallas, Vice Chair  
Kirk Anders, Board Member  
Bill Grossman, Board Member  
Thomas O'Brien, Board Member  
Richard Grove, Board Members

Also Present: Steve Foote, Community Development Director  
John Olson, Planning Manager  
Ronnie Kurtz, Planner I  
Tammy Hiler, Planning Coordinator

A. CALL TO ORDER

Paul Player called the meeting to order.

B. ROLL CALL

Kirk Anders arrived during the first presentation and Renate Herod was absent.

C. MINUTES

1. Approval of Meeting Minutes from December 13, 2016

Thomas O'Brien motioned to approve. Bill Grossman seconded.

Passed: For: 4 (Player, Grossman, Grove, O'Brien); Against: 0;  
Abstain: 1 (Dallas); Absent: 2 (Anders, Herod)

D. ORGANIZATIONAL AND PROCEDURAL ITEMS

1. Elect Chair and Vice-Chair

The election for Chair will be re-conducted at the next meeting.

Thomas O'Brien motioned to approve Nomination for Paul Player as Vice Chair. Bill Grossman seconded.

Passed: For: 4; Against: 0; Abstain: 0; Absent: 2 (Anders, Herod)

E. UNFINISHED BUSINESS

F. OTHER BUSINESS

G. NEW BUSINESS

1. SLUP 17-021: Lang Real Estate Services, LLC, c/o Jacob Lang, on behalf of DAVECHEV, INC, owner of 5465 Chamblee Dunwoody Road, Dunwoody, GA 30338, seeks the following Special Land Use Permits from Chapter 27: a.) Section 27-97(g)(1) to exceed the maximum allowed parking in the Dunwoody Village Overlay District; b.) Section 27-97(i)(3) to reduce the pedestrian zone along the abutting sides and rear of the building; and c.) Section 27-97(k)(1)(a) to reduce the pedestrian "build to zone" requirement. The tax parcel number is 18 366 07 008.

John Olson presented on behalf of staff. John recommended approval with staff conditions.

Spoke in Favor:

David Stineky, Foresite Group Inc., represented the applicant. Mr. Stineky noted the applicant's plan is to raise the existing chevron service station to build a mixed restaurant, retail use facility.

Spoke in Opposition:

Robert Wittenstein, 1146 Bodreaux Ct., spoke on behalf of himself in opposition. Mr. Wittenstein indicated that in order to create a pedestrian friendly village, the City must reduce the surface parking and encourage shared parking.

Andre Koleszar, Senior Vice President with Regency Centers, Owner of Dunwoody Village, spoke in opposition on behalf of the merchants, specifically behind the proposed development. Mr. Koleszar expressed concerns that the proposed restaurant would

consume a large portion of his tenants' allotted parking.

Ekun Nakata, owner of Medi-WeightLoss, 5475 Chamblee Dunwoody Road, spoke in opposition on behalf of his business. Mr. Nakata stated parking is currently full with several vacancies in the Village.

Jacob Lang, Lang Real Estate Services, LLC, the developer of the property, addressed Mr. Koleszar's comments.

Open Board Discussion:

Bob Dallas asked questions of staff.

Bill Grossman asked questions of staff.

Bill Grossman motioned to approve with the following exhibits and conditions:

EXHIBIT A: Site Plan, completed by Foresite Group, received December 21, 2016

EXHIBIT B: Building Elevations, completed by Max Design Group, dated November 18, 2015.

1. The subject property shall be developed in general conformity with Exhibit A and B above, with changes to meet land development and zoning regulations;
2. The maximum number of parking spaces shall be 36 spaces or 4.1 spaces per 1,000 square feet of floor area of the building;
3. Street improvements consistent with the Dunwoody Village overlay zoning requirements must be installed. These include a 6-foot landscape buffer with street trees between Chamblee Dunwoody Road and the sidewalk, a 12-foot sidewalk, street and pedestrian lighting, and street furniture. Also a 4-foot bike lane must be incorporated along the property frontage on Chamblee Dunwoody Road in accordance with Chapter 16 of the city's code of ordinances. If necessary, the applicant shall dedicate additional right of way to incorporate the public improvements;

4. A 4-foot wide sidewalk shall extend east to west near the northern property line;
5. A 2.5-foot wide landscape strip shall be added between the building and sidewalk along the eastern and southern sides of the building; and
6. Meandering of the sidewalk shall be reviewed and approved by staff.
7. The site plan ("EXHIBIT A") shall not be considered specific to the tenant mix shown.

Richard Grove seconded.

Passed: For: 5 (Anders, Dallas, Grossman, Grove, O'Brien);  
Against: 1 (Player); Abstain: 0; Absent: 1 (Herod)

2. Review and consideration of proposed Perimeter Center Zoning Code, Overlay District, and text amendments to Chapter 27 (Zoning Ordinance)

Steve Foote presented on behalf of staff.

Open Board Discussion:

Kirk Anders, Bob Dallas, Bill Grossman, and Thomas O'Brien asked questions of staff.

Bill Grossman stated that a stronger incentive for EV charging stations is needed and that SLUPs should be able to permit taller buildings than are currently allowed.

Bill Grossman motioned to approve the draft dated December 6, 2016 with the following changes:

1. For every 50 parking spaces in an off-street parking lot, 2 (two) parking spaces that include electric vehicle charging equipment will be counted as 2 (two) parking spaces each.
2. Buildings in the PC-1 District up to 36 stories in height may be approved with a special land use permit.
3. Section 27-204, new subsection (f), "Outdoor Dining Areas," shall be removed.

Richard Grove seconded.

Passed: For: 6; Against: 0; Abstain: 0; Absent: 1 (Herod)

H. PUBLIC COMMENT

I. COMMISSION COMMENT

Kirk Anders stated the parking issue in the Dunwoody Village Overlay will continue and staff and committee need to look into it further to discuss. Kirk stated he would like to start the meeting at 6:30pm. Kirk stated he would like staff to break down the Ordinance Amendments into smaller increments.

J. ADJOURN

Meeting Adjourned.

Approved by:

\_\_\_\_\_  
Chair

Attest:

\_\_\_\_\_  
Secretary





**EXPIRATION DATE OF TERMS FOR PLANNING COMMISSION MEMBERS**

- Kirk Anders – Term expires 6/30/19
- Bob Dallas – Term expires 1/26/18
- Richard Grove – Term expires 6/30/19
- Bill Grossman – Term expires 1/26/18
- Renate Herod – Term expires 1/26/18
- Thomas O'Brien – Term expires 6/30/19
- Paul Player – Term expires 1/26/18





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**MEMORANDUM**

To: Planning Commission  
From: Steve Foote, AICP  
Community Development Director  
Date: February 14, 2017  
Subject: Amendments to City of Dunwoody Zoning Ordinance

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**ITEM DESCRIPTION**

Additional zoning text amendments related to the Dunwoody Village Overlay design review process, residential infill, prohibited variances, and home occupations.

**BACKGROUND**

Staff has been processing numerous zoning text amendments consecutively with the Perimeter Center Overlay and Districts study. Additional code issues have been discovered recently and staff proposes to join those to the aforementioned changes. In order to accomplish this they must first be reviewed by the Planning Commission. Upon a recommendation by the Planning Commission these proposed amendments will be presented to the City Council for consideration.

**DISCUSSION**

The attached zoning text amendments specifically deal with the following subjects:

- 1. DRAC responsibility in the Dunwoody Village Overlay.
- 2. The applicability of the residential infill (contextual regulations).
- 3. Prohibited variances.
- 4. Home Occupations.

Staff will present each of the proposed changes to the Planning Commission during the next meeting. The draft changes are attached to this memorandum.

The draft changes will accomplish the following:

- 1. Streamline the Design Review Advisory Committee’s (DRAC’s) plan review responsibility by removing the requirement to review “signs”, not requiring DRAC review prior to Land Disturbance Permits, and limiting DRAC review to building design, materials and architecture. Section 27-97

2. Insert an applicability statement into the Residential Infill regulations (contextual regulations). Clarify that the Director of Community Development has the authority to determine whether the Residential Infill regulations apply to "proposed" and/or existing subdivision lots. Provide better direction on what types of properties are used or not used for determining compliance. Section 27-147
3. Allow the Zoning Board of Appeals to make decisions and staff to make recommendations on request for variances related to the Residential Infill regulations and other lot features. This will permit the submittal of applications and the ability for qualified requests to be considered. Whereas, today the code prohibits the submittal of an application. Section 27-392
4. Restrict Home Occupations in the City of Dunwoody to those which do not include outside employees or have guest/customers coming to the residence (Type A). This would not apply to traditional piano or dance type lessons. Type B Home Occupations would not be permitted. Section 27-168

## **RECOMMENDATION**

Staff recommends the proposed changes be forwarded to the City Council with a motion for support.

### Attachments:

Proposed, Amendments to Chapter 27

Additional Code Text Amendments

I. Section 27-97 Dunwoody Village Overlay

(d) Design review. No ~~land disturbance permit,~~ building permit ~~or sign permit~~ may be issued for buildings ~~or construction activities~~ that are subject to one or more of the overlay district regulations of this section until the design review process of article V, division 4, has been completed.

II. Sec. 27-147. - Residential infill.

The residential infill regulations of this subsection apply to the construction and reconstruction of detached houses and the subdivision of land zoned single family:

Where the subdivision of vacant land or the resubdivision of existing lots is proposed or has been approved and recorded by the city and is significantly modifies different or disconnected from the immediate surrounding or adjacent area; whether by creating multiple new lots or lot/block configurations, and/or new streets, or other characteristics identified by the community development director, and the nature of these improvements predominately alters the aesthetic or ~~physical structural~~ character of the neighborhood thereby inhibiting the direct application of these infill regulations, the community development director may determine their applicability to the permit request. In such cases the owners of property adjacent to the subject site(s) will be notified of and may appeal the decision per article V of this chapter.

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(4) If existing ~~land is lots are~~ proposed to be subdivided, the reference parcels for the purposes of determining contextual requirements shall be those immediately adjacent to and outside the parcel or group of parcels comprising for the subject subdivision. Additionally, parcels with the following characteristics shall not be used in calculating contextual street setbacks or lot characteristics. Where practical —the next immediate parcel meeting the requirements for use as a reference parcel, if any, shall be used for subject calculations:

- a. Unbuildable lots;
- b. ~~lots subdivided within six months of the subject subdivisions—taken from the date of final approval or recordation—whichever is most recent;~~
- c. Substandard, irregular, or nonconforming lots;
- d. Un-subdivided property, or meets and bounds lots, which are: uncharacteristic of the area, and/or are large raw undeveloped property, and/or are expected to be the subject of a future subdivision request.

III. Sec. 27-392. - Prohibited variances.

The variance procedures of this zoning ordinance may not be used to:

- (1) Allow a structure or use not authorized in the subject zoning district or a residential density of development that is not authorized within the subject district;
- (2) Allow an increase in maximum building height;

Additional Code Text Amendments

- (3) Waive, vary, modify or otherwise override a site plan or condition of approval attached to an amendment, special land use permit or other development approval under this zoning ordinance;
- (4) Reduce, waive or modify in any manner the minimum lot area established for any use permitted by special land use permit or by special exception;
- (5) Permit the expansion or enlargement of any nonconforming use;
- (6) Permit the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- (7) Vary the home occupation regulations.

~~(8) Allow a decrease in the minimum lot area, frontage, depth, shape, and buildable area, including those regulated by contextual lot characteristics.~~

~~V~~.IV. Sec. 27-168. - Home occupations.

(a) *Purpose.* The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

(b) ~~*Type A and Type B hH*~~ *home occupations.* ~~Two types of hH~~ home occupations are defined and regulated under this section. ~~:- Type A and Type B.~~

(1) ~~*Type A hH*~~ *home occupations.* ~~Type A~~ home occupations is a home business ~~are those~~ in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.

~~(2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.~~

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Remove other references to Type A and Type B Home Occupations.