

CITY OF DUNWOODY
January 26, 2015
CITY COUNCIL MEETING MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting January 26, 2015 at 7:00 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: Michael Davis, Mayor
Lynn Deutsch, 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
Brent Walker, Parks and Recreation Manager
Steve Foote, Community Development Director
Michael Smith, Public Works Director
Rebecca Keefer, City Planner
Lillie Read, Assistant to the City Clerk

A. CALL TO ORDER

Mayor Davis called the meeting to order.

B. ROLL CALL

All members were in attendance with the exception of Council Member Heneghan.

C. INVOCATION

Council Member Nall provided the Invocation.

D. PLEDGE OF ALLEGIANCE

Council Member Riticher led the Pledge of Allegiance.

E. REPORTS AND PRESENTATIONS

1. [Recognition of Amanda Head for Receiving Crime Analyst Certification. \(Chief Grogan\)](#)

Lieutenant Hegwood recognized Amanda Head for receiving the Crime Analyst certification and for completing education hours above and beyond the required amount.

2. [Proclamation Recognizing 2014 Sustainable Student Hero. \(Rebecca Keefer\)](#)

Mayor Davis presented the 2014 Sustainable Student Hero proclamation to Marshal

Weber.

F. [MAYOR AND COUNCIL COMMENTS](#)

Council Member Nall thanked members of Troop 434 from All Saints Church for attending the meeting as they work towards achieving their Citizenship Badge. He extended his prayers and thoughts to former Council Member Adrian Bonser in her fight against cancer.

Mayor Davis noted that he moved to Dunwoody 35 years ago after a major snowstorm hit Boston and hopes that his children in Boston will follow his example after their recent weather issues.

G. [PUBLIC COMMENT](#)

Gerri Penn – thanked Council for their resolution honoring Bobbi Sedam. She noted that the Dunwoody North Civic Association will plant a tree in Bobbi’s memory at Brook Run Park. She thanked Rick Ottness and Ed Godshell for their service on the ZBA.

Bruce Lendemann – introduced his daughter Carla and thanked Council for adding a new category for community living arrangements in the code. He also thanked Council for the opportunity to participate in the process and thanked Steve Foote for his support.

Barbara Pryor – 4735 Cambridge Drive – invited everyone to the next bird walk to be held on February 28th at 8:30 am. The walk will be led by Marshall Weber and the group will meet near the outdoor classroom in Brook Run Park.

Bill Schenick – 1355 Manget Way – spoke in support of personal care homes but not in favor of commercial opportunities in neighborhoods. He asked that Council require a SLUP for establishing all personal care homes.

Alyson Wooten – 4865 Manget Court – noted that the definitions regarding personal care homes has been greatly improved but encouraged a SLUP to be required for all personal care homes and community living arrangements and that there should also be a set renewal time.

Kim Collins – 1337 Manget Way – spoke in support for requiring a SLUP for all personal care homes.

Danny Ross – 5165 North Peachtree Road – spoke as Chairman of the Brook Run Conservancy and asked Council to consider removing the demolition of the Brook Run Dormitory off of the Consent Agenda.

H. [MINUTES](#)

I. [APPROVAL OF MEETING AGENDA \(add or remove items from agenda\)](#)

Council Member Deutsch requested that M.1. under New Business be discussed before Unfinished Business.

Council Member Shortal requested that item J.8. be moved from the Consent Agenda and placed as item L.8. under Unfinished Business.

Council Member Shortal moved to approve the meeting agenda, as amended. Council Member Nall seconded.

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

J. CONSENT AGENDA

1. Approval of January 12, 2015 City Council Work Session Minutes.
2. Approval of January 12, 2015 City Council Meeting Minutes.
3. SECOND READ: Ordinance to Amend Chapter 8, Buildings and Building Regulations. (Steve Foote)
4. Resolution Readopting Ethics Principles. (RESOLUTION 2015-01-XX) (Cecil McLendon)
5. Award of Intersection Improvement Design Contract for Tilly Mill Road at Mount Vernon Place and Mount Vernon Road. (Mindy Sanders)
6. Award of Sign and Signal Maintenance Contract. (Michael Smith)
7. Award of Contract for Traffic Signal Communication Design. (Michael Smith)
8. Award of Contract for the Demolition of the Dormitory at Brook Run Park. (Brent Walker)
(Item moved to item L.8. under Unfinished Business.)

Council Member Shortal moved to approve the consent agenda, as amended. Council Member Nall seconded.

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

K. ORGANIZATIONAL AND PROCEDURAL ITEMS

L. UNFINISHED BUSINESS

1. PUBLIC HEARING: RZ 15-011: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use (CR-1) to Commercial-Residential Mixed-Use (CR-1) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015 and SLUP 15-011: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit to increase the previously approved maximum allowable building height from four (4) stories to seven (7) stories in a Commercial-Residential Mixed-Use (CR-1) District, for the subject property located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015. (Steve Foote)

– *Open Public Hearing:* Mayor Davis opened the Public Hearing without objection.

- *Presentation by Community Development:* Steve Foote presented and answered questions of Council. Staff recommends approval with the conditions set forth in the rezoning document.
- *[Presentation by Applicant:](#)* Steven Smith with Hotel Development Partners presented and answered questions of Council. HDP is seeking rezoning and an increase in the square footage of the building. As a condition of the rezoning Hotel Development Partners has agreed to fund 50% of the installation of the traffic light at their driveway. HDP requests that the Mayor and Council direct staff to fund and install traffic light on or before 4/1/16.
- *Public Comments Open:* Mayor Davis opened Public Comments.

Opposed: None spoke against.

In favor: Bob Kinsey from the Spruill Center for the Arts spoke in favor of this rezoning and development.

- *Public Comments Closed:* Mayor Davis closed Public Comments.
- *Close Public Hearing:* Mayor Davis closed the public hearing without objection.

2. [Resolution to Waive the 24 Month Requirement for Successive Rezoning Applications for HDP Acquisitions, LLC for 4681 Ashford Dunwoody Road. \(Steve Foote\)](#)

Council Member Shortal moved to approve. Council Member Nall seconded.

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

3. [SECOND READ: RZ 15-011: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks permission to rezone property currently zoned Commercial-Residential Mixed-Use \(CR-1\) to Commercial-Residential Mixed-Use \(CR-1\) to allow for a change of previous conditions. The subject property is located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015. \(ORDINANCE 2015-XX-XX\) \(Steve Foote\)](#)

Steven Smith requested that Council commit to having the driveway traffic light installed by 4/1/2016. The consensus of Council was that the City is in favor of a traffic light being installed at the location but that they were not in favor of making that a condition of the rezoning.

Council Member Nall moved to approve RZ-011 with the following conditions:

1. Development shall substantially conform with the above Exhibits, copies of which are attached hereto and incorporated herein by reference. To the extent that Exhibit A conflicts with Exhibit B, the standards of Exhibit B shall govern.
2. Developer will provide landscaping and other improvements along its property frontage along Ashford Dunwoody Road per 2007 Perimeter CID Public Standards.

3. Developer will provide street furniture along its property frontage along Meadow Lane Road per PCID standards.
4. Provided that Meadow Lane Road becomes dedicated to the City or the City otherwise acquires right-of-way over said road and the authority to construct traffic signals thereon, Developer will contribute 50% of the actual cost to install a traffic signal and crosswalk at the easternmost curb-cut of the Subject Property or \$75,000, whichever amount is less (hereafter the "Signal Contribution"). Developer will tender the Signal Contribution within 30 days of written notice from the City of its acquisition of the right-of-way and the authority to construct traffic signals thereon or place the Signal Contribution into escrow with the City prior to receipt of a Certificate of Occupancy for the hotel, whichever first occurs; provided, however, that Developer shall not be obligated to make the Signal Contribution until after Developer closes on a construction loan for the development. At the time the traffic signal is installed the western driveway shall be converted to a right-in, right-out configuration. Should the City fail to acquire the right-of-way over Meadow Lane Road and the authority to construct a traffic signal thereon within 24 months of the date of this zoning approval, then the Escrow funds shall be returned to the developer but the Developer shall continue to have the obligation to pay for 50% (not to exceed \$75,000) of the cost of the signal until the conclusion of 48 months after zoning approval.
5. Should the traffic signal in Paragraph 4 above not be installed and should the westernmost driveway demonstrate a correctable accident history that exceeds the thresholds for MUTCD, and/or the Georgia DOT, signal warrants, the City may require Developer, and/or successor in interest to the development, to perform a traffic study to identify options to mitigate safety concerns at said intersection and reduce signal warrants.
The site plan be amended for the 10,000 square foot restaurant/retail building to be changed to a building of "up to 10,000 square feet."

Council Member Deutsch seconded the motion.

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

4. [SECOND READ: SLUP 15-011: Pursuant to the City of Dunwoody Zoning Ordinance, applicant, HDP Acquisitions, LLC c/o Hotel Development Partners, LLC, seeks a Special Land Use Permit to increase the previously approved maximum allowable building height from four \(4\) stories to seven \(7\) stories in a Commercial-Residential Mixed-Use \(CR-1\) District, for the subject property located at 4681 Ashford Dunwoody Road, Dunwoody, GA 30338. The tax parcel is 18 350 01 015. \(ORDINANCE 2015-XX-XX\) \(Steve Foote\)](#)

Council Member Nall moved to approve the SLUP 15-011 with the following condition:

1. The seven (7)-story building height is approved for the proposed hotel use only, and shall not transfer to other land uses or development plans.

Council Member Riticher seconded the motion.

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

5. [PUBLIC HEARING: Ordinance to Amend the City of Dunwoody City Code Chapter 16, Land Development and Ordinance to Amend the City of Dunwoody City Code Chapter 27, Zoning. \(Steve Foote\)](#)

- [Open Public Hearing](#): Mayor Davis opened the Public Hearing without objection.
- [Presentation by Community Development](#): Steve Foote presented the proposed changes to Chapters 16 and 27 and answered questions of Council.
- [Public Comments Open](#): Mayor Davis opened Public Comments with an additional 10 minutes of comment time for each side.

Opposed:

Alyson Wooten spoke against the proposed changes and encouraged Council to require a SLUP for all personal care homes.

Mark Collins spoke against putting the burden of appeal on residents and encouraged Council to require administrative appeals for rezoning.

In favor:

Robert Wittensten spoke in favor of allowing personal care homes for 4 or fewer individuals as a matter of right in Dunwoody.

Bruce Lindemann spoke in favor of allowing for community living arrangements for 4 or fewer individuals.

Linda Dunlavy spoke in favor of requiring a SLUP or administrative permit for all personal care homes for between 1 and 4 people.

- [Public Comments Closed](#): Mayor Davis closed Public Comments.
- [Close Public Hearing](#): Mayor Davis closed the public hearing without objection.

6. [SECOND READ: Ordinance to Amend the City of Dunwoody City Code Chapter 16, Land Development. \(ORDINANCE 2015-XX-XX\) \(Steve Foote\)](#)

Council Member Shortal moved to approve. Council Member Thompson seconded.

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

7. [SECOND READ: Ordinance to Amend the City of Dunwoody City Code Chapter 27, Zoning. \(ORDINANCE 2015-XX-XX\) \(Steve Foote\)](#)

Council Member Nall moved to adopt as presented with one amendment to Section 27-57, Uses Allowed, Personal care home, family (1-4 persons) to change the code of "P", use permitted as of right, to the code of "S", special land use permit required.

Passed: For: 4 (Davis, Nall, Riticher, Shortal); Against: 2 (Deutsch, Thompson); Abstain: 0; Absent: 1 (Heneghan).

8. [Award of Contract for the Demolition of the Dormitory at Brook Run Park. \(Brent](#)

Walker)

(Item moved from J.8. under Consent Agenda.)

Brent Walker presented and answered questions of Council. Staff recommends award of the contract to Complete Demolition, LLC in an amount not to exceed \$100,000, including a contingency of \$28,000 for the demolition of the dormitory at Brook Run Park.

Council Member Nall moved to approve. Council Member Deutsch seconded.

Passed: For: 5; Against: 1 (Shortal); Abstain: 0; Absent: 1 (Heneghan).

M. ~~NEW BUSINESS~~ *(Moved between items K and L)*

~~1. [Resolution to Name the Outdoor Classroom at Brook Run Park the "Bobbi Sedam Environmental Classroom"](#)~~

N. OTHER BUSINESS

O. INITIATION OF TEXT AMENDMENTS (FOR CHAPTERS 16, 20, 27)

P. PUBLIC COMMENT

Q. MAYOR AND COUNCIL CLOSING COMMENTS

R. EXECUTIVE SESSION

1. For the purposes of legal, real estate, and personnel discussions.

S. ADJOURNMENT

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

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