
Work Session Meeting of the Sandy Springs City Council was held on Tuesday, January 21, 2014, at 7:23 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Councilmember John Paulson, Councilmember Ken Dishman, Councilmember Graham McDonald, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Andy Bauman.

STAFF DISCUSSION ITEMS

Community Development

1. City Center Development Regulations Overview

City Manager John McDonough stated this item was not discussed at the Council Retreat, but instead was added to the agenda for discussion this evening. These are some of the recommendations for the City Center form based code.

Director of Community Development Angela Parker stated there are many elements for implementing the City Center master plan including removing the building on the Target property, conducting a parking study, creating parking in the City Center, and a capital improvement program. Another way is by the zoning code. The zoning code would ensure the City that private development occurs within the City Center and that it meets the master plan vision. During the development of the master plan, there was an extensive amount of time spent defining what exactly the community wants to see in the master plan. The new zoning code is envisioned as a new zoning district utilizing form based code. This code focuses on implementing the vision, where buildings should be located, and what the area should look like. There were several discussions focused on vertical construction. All of this input was put into developing the code for City Center. The master plan includes a sub consultant who is an expert on developing new zoning codes. The existing zoning ordinance focuses on individual zoning districts that are separated by use and density. Multifamily homes are generally not close to single family homes. The commercial district along Roswell Road and throughout the City has the same standards. Some of the controlling factors in the existing zoning ordinance tend to focus on things the average citizen cannot visualize, such as density. Before reviewing the zoning code, there is an exercise defining the vision the community wants to see. This is what the City did with the City Center master plan. This type of code deemphasizes the regulation of where the different uses are located within the City. The form based code pays more attention to how the area looks. In the scheme of it all, it does not matter if the property is multifamily use, office, or commercial use. This code tends to focus on the streetscape and promotes a sense of place and a mix of housing types often in close proximity. The difference with this zoning code is it tends to have lots of pictures and diagrams. The code tends to not require everything to be zoned from a zoning action prior to development. The development standards are set in place, the properties are zoned, and then the code is executed. Farr and Associates was a sub consultant to Goody-Clancy, who has completed a draft of the form based code. Staff had two meetings with the Planning Commission and Design Review Board, but no extensive review by either of the boards. Meetings were also held with the Main Street Alliance and changes were made to the City code based on their suggestions. The changes focus on the nonconforming status of the code related to the existing shopping centers. The form based code is being put on hold, because the City will be selecting a development partner in the near future. Staff wants to make sure the major developers in City Center have the opportunity to review the code.

Councilmember Graham McDonald asked about the broad criticisms of form based code.

Director of Community Development Parker stated form based code is different than what the City is accustomed to. The City's overlay district is similar to a form code and the mixed use district will go in that direction.

Councilmember Gabriel Sterling stated he believes if a person was to come to the City for a redevelopment permit, that person could choose to use the form based code or redevelop the property with the City's current code. When form based code is passed by a Council, the zoning for that area is rezoned and everything becomes a nonconforming use of the existing zoning code. He has a legal concern that the City altering the zoning that could change the valuations of the property, which could be considered a "taking" by the City.

Director of Community Development Parker stated the code will be set up in terms of a threshold. For example, if the property owner where Chipotle is located wanted to remove a quarter of the shopping center and build a Crate and Barrel, the Crate and Barrel would need to comply with the City standards. It would not trigger compliance for the rest of the development.

Councilmember Sterling stated the property owner can choose to zone the property with the form based code. He asked if the property would be rezoned or if the property owner would need to come before Council.

Director of Community Development Parker stated those decisions have not been made at this point in the development of the code. Staff is looking at the possibility of rezoning the entire City Center area to the new form based code. The code would allow enough flexibility for the existing developments to remain as they are.

Councilmember Sterling stated he likes the concept of form based code, because it will improve the area.

City Attorney Wendell Willard stated the encouragement under this code is to develop property in larger tracts. The downtown area is currently made up of a lot of small parcels. Those property owners should still have the ability to do something with their property as far as use and redevelopment without forcing them to assemble the parcels. Staff will consider this when reviewing the form based code.

Councilmember Tibby DeJulio stated under the current zoning code it states if a property owner accumulates a certain amount of acreage there will be additional density allowed.

Councilmember Sterling stated one good thing that has been done in the City Center is no more automotive uses are allowed. He suggested the City exclude "big box" stores in the form based code.

Mayor Rusty Paul stated this code is very complex and will take a lot of education for Council, staff, and the citizens during the process of evaluation and study. The new code will have to be reconciled with the current property that is in the City.

2. An Ordinance to Amend Article 12B, Sandy Springs Overlay District, and Article 28, Rezoning and Other Amendment Procedures, of the Sandy Springs Zoning Ordinance Related to the Design Review Board

Mayor Rusty Paul stated he recommends to Council to take the responsibilities of the Design Review Board and give them to the Planning Commission, but still keep the Design Review Board function. When the Design Review Board and overlay district were created all of the responsibilities for the overlay requirements were placed on the property owner. This was to get local control over the process and resources to install the overlay requirements such as the sidewalks, lights, and other items. This was set

up to give the citizens in Sandy Springs some control over the overlay district. When the City was first created, Council adopted all the Fulton County ordinances, including the Design Review Board and Board of Zoning Appeals. The goal was for the City to see how the ordinances worked and then come back and revisit the ordinances to see what can be streamlined. Transferring responsibilities is another step in this process. There are four reasons why it is important to do this. First, for the convenience to the public. Currently, if one has an interest in a project in the overlay district, one must show up before three different group meetings. It could be possible that a member of the public who has a concern with a particular project will have to show up to three meetings and may have to show up at six to ten meetings over the course of a project. Secondly, staff has to prepare for all three of the meetings. While they are preparing for the meetings and deferrals, that takes them away from their basic daily tasks. This is a consumption of staff resources that can be better utilized in other ways. Thirdly, with a more streamlined and efficient process better public input can be received. If the number of meetings on a project is reduced, an individual that has children or a job cannot always attend the meetings. People that attend the meetings have the passion, energy, and the time to attend. Finally, the City will receive better public input if the meeting numbers are reduced. In summary, the four reasons are: convenience, better utilization of staff resources, a more streamlined process, and more broad public input. He proposed to place this item on the next City Council meeting to vote on placing the responsibilities and function of the Design Review Board under the Planning Commission.

Councilmember Tibby DeJulio stated he agrees with Mayor Paul. The City has always tried to conserve staff resources. When Mayor Paul, former Mayor Galambos, and he decided to have dinner catered prior to the Council meetings, it was because it is more economical to feed staff than to pay them more overtime.

Councilmember John Paulson asked when will the public first know of an application and when will they have a chance to voice their opinion to Council in the new process.

Councilmember DeJulio stated when a zoning application first comes to the City, staff has an informational meeting open to the public for which emails and advertisements are sent out. A second opportunity is during the conflict resolution phase. The third phase is the Planning Commission meeting and then finally the item is heard before Council.

Mayor Paul stated that process will not change. The only thing that will change is which advisory board will make the recommendation to Council.

Councilmember Ken Dishman asked if Council will see a proposal for the new process or a proposal to change the process.

Mayor Paul stated that will be in the ordinance Council adopts.

City Attorney Wendell Willard stated the changes to the ordinance will be used as a means of working through how the code process will function.

Councilmember Dishman stated his concern is about combining the responsibilities of the two groups and he wants to make sure the boards have the information needed to accommodate that.

City Attorney Willard stated staff will bring a draft ordinance to Council and then there will be a discussion among Council to further refine the ordinance.

Mayor Paul stated he had conversations with the chair and other members of the Planning Commission and they feel comfortable they can assume the responsibilities.

Councilmember Andy Bauman asked if the newly proposed ordinance language will be sent to the Planning Commission for review, comment and a formal recommendation, or if it will come straight to Council.

City Manager John McDonough stated staff will make a recommendation to Council on the changes and how the process will work going forward. This item will be back before Council at the next City Council meeting.

Councilmember Bauman thanked staff for the explanation of the changes. He suggested there be a maximum amount of public input.

Mayor Paul stated he will review the qualifications of the Planning Commission and if there is expertise lacking on the board, his next appointment will be to add the needed skills to the board.

Bill Gannon, 505 Taunton Way, stated with the current process there is confusion in the neighborhoods. The first meeting occurs before the zoning signs are posted. Sometimes the signs are posted on the subject property around the time of the conflict resolution meeting.

Councilmember DeJulio stated maybe the policy needs to be changed for the signs to be posted on the property when the petition is filed. This will allow the neighbors to be notified, so they can attend the meetings. He asked what meeting dates are posted on the signs.

Director of Community Development Angela Parker stated the Council and Planning Commission meetings are posted on the sign.

Councilmember DeJulio asked if staff can look into adding the informational meeting on the signs.

Director of Community Development Parker responded yes. A notice is also mailed to the neighbors in the community that reside within 300 feet of the property.

Councilmember Gabriel Sterling asked if 300 feet is broad enough.

Director of Community Development Parker stated this may not directly answer his question, but when the first meeting is held, the council chambers are full of residents that attend the meeting.

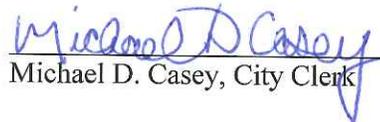
There was a consensus of Council to move this item to the February 4, 2014, City Council meeting.

There being no further discussion, the meeting adjourned at 7:57 p.m.

Date Approved: February 4, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk