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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council

**DATE:** November 24, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** **TA10-020** - An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance

**MEETING DATE:** For Submission onto the December 7, 2010, City Council Work Session Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Mark-up of Sections

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**APPROVAL BY CITY MANAGER:** John McDonough APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:** 12/7/2010

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES (  ) NO

**CITY ATTORNEY APPROVAL:** [Signature]

**REMARKS:**

To: John McDonough, City Manager

From: Blake J. Dettwiler, AICP, Director of Community Development BD

Date: November 23, 2010 for Submission onto the December 7, 2010 City Council Work Session

Subject: Proposed TA10-020, An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance to address the Role of the Design Review Board

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***Background:***

Article XII of the City's Zoning Ordinance established the Sandy Springs Overlay District. Recently, the City approved a reduction in the number of streetscape standards from five to three (Main Street, Suburban and PCID) and a realignment of the overlay district boundaries such that they now correspond with the Future Land Use Plan. Within these areas, design criteria have been established through Article XII related to landscaping, street furniture, lighting, parking, building materials, etc.

***Discussion:***

The City has been working since 2008 on incremental changes to the overlay districts. Initially, the streetscape standards were revised to require all pedestrian lighting to be located behind the sidewalk. This change from the previous location (behind the curb) was made for reasons of safety. Subsequently, the list of approved street trees was amended to include new cultivated varieties which are more disease and drought tolerant together with a list of trees more appropriate for use under powerlines. Additional amendments for bus shelters and street furniture will be reviewed by the Mayor and Council later this month. Both were recommended for approval by the DRB in July.

The overall work program for the Overlay District amendments has two remaining items:

- Role of the DRB in the rezoning process; and,
- Building design / parking standards in the Main Street District

The Mayor and Council held a joint work session with the Main Street Alliance on September 7, 2010. The Main Street Alliance is a group of property owners in the Main Street Overlay District with combined holdings of over 50 parcels with approximately 1.5 million square feet on 125 acres. At the Work Session, the Mayor and Council directed staff to work with representatives from the Main Street Alliance during the next ninety days to address existing conditions influencing development in the Main Street Overlay District. To ensure the DRB is

part of this process, building design and parking standards are proposed to be addressed through joint meetings between the DRB and the Main Street Alliance. These meetings should occur in November.

#### Role of the DRB in the Rezoning Process

Section 12B.3.C.4 of the Zoning Ordinance states staff of the Department of Community Development shall forward the DRB's recommendations to the City Council for rezonings, concurrent variances and/or modifications to conditions. Currently, the DRB reviews the rezoning package (per the requirements in Section 28.2.4) and makes comments relative to the proposed development's conformance with the overlay district standards. Unfortunately, Section 28.2.4 does not require elevations to be submitted with the rezoning package. This puts the DRB and the applicant at a significant disadvantage because the design cannot be adequately reviewed. To address this, colored renderings of each building elevation together with building material samples could be required as part of the rezoning package requirements. This will afford the DRB an opportunity to provide comments on building design early in process so they can be incorporated into the final set of zoning comments.

If the zoning is approved, the final zoning comments could be incorporated into the building plan review process. Normally, a request for a land disturbance permit or building permit in the Sandy Springs Overlay District would need to be reviewed by the DRB and receive a Certificate of Endorsement (COE). However because the DRB will have already reviewed the development at the time of zoning, the requirement for a COE could be eliminated provided the building plans are consistent with the plans submitted with the zoning package. If the elevations associated with the approved rezoning and building plans are found to be inconsistent, the Community Development Director could have the discretion to require the building plans to be reviewed by the DRB.

#### ***Staff Recommendation:***

Staff recommends that Planning Commission recommend approval to the Mayor and Council of the proposed text amendment.

#### ***Planning Commission Recommendation:***

The Planning Commission heard the amendment at the November 18, 2010 meeting and recommended approval as presented by staff (6-0, Thatcher, Pond, Maziar, Rubenstein, Rupnow, and Tart for; Duncan not voting).

#### ***Alternatives:***

The City Council could choose not to adopt the changes recommended by staff.

**MARK-UP OF SECTIONS 28.2.4 AND 12A.3.1 PER TA10-020**

28.2.4. LAND USE PETITION REQUIREMENTS. In order to be accepted by the Department, all land use petitions shall include the following with the required number of copies of each as prescribed by the Director:

- a. Pre-petition review form;
- b. Signed and notarized petition with original signatures;
- c. Legal description;
- d. Letter of intent;
- e. Site plan which meets the requirements specified in Article 28.5.2;
- f. Site plan checklist which indicates compliance with site plan requirements specified in Section 28.5.2;
- g. Environmental Site Analysis, as described in Section 28.4.3.1;
- h. 8 ½" x 11" site plan;
- i. Zoning impact analysis for rezoning petitions, as described in Section 28.4.1;
- j. Disclosure form;
- k. Public Participation Plan, as described in Section 28.4.7;
- l. Public Participation Report, as described in Section 28.4.7;
- m. Traffic Impact Study, as described in Section 28.4.4, if applicable;
- n. Metropolitan River Protection Act pre-preview letter, if applicable;
- o. MARTA corridor plan review form, if applicable;
- p. Development of regional impact review form, if applicable;
- q. Environmental Impact Report, as described in Section 28.4.3.2, if applicable;
- r. Other documents as identified in the pre-petition review; and
- s. Non-refundable filing fee.
- t. **For properties located in the Sandy Springs Main Street Overlay District, land use petitions shall also be accompanied by building material samples and schematic plan sets detailing at a minimum:**
  - 1. **Building elevations for each side of the building(s) indicating building heights, fenestration, roof or parapet design, exterior materials and colors.**
  - 2. ~~and building material samples, if property located in Sandy Springs Overlay District~~ **A basic floor plan shall also be provided showing the perimeter walls and fenestration, loading areas, etc.**

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**12A.3.1. APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION.** Applicants for a Sandy Springs land disturbance permit or building permit shall obtain a Certificate of Endorsement (COE) for applicable properties. However, a COE is not required for land disturbance or building permits if

**MARK-UP OF SECTIONS 28.2.4 AND 12A.3.1 PER TA10-020**

**the subject development was previously reviewed by the DRB in conjunction with a land use petition and the permit request is consistent with the land use petition as approved by the City. Subject to the determination of the Community Development Director, a COE may be required if the plans associated with the land disturbance or building permit are found to be inconsistent with the approved land use petition. A COE is not required for the issuance of a Sandy Springs sign permit.**