



CITY COUNCIL

Donna Pittman-Mayor

Robert J. Patrick-District 1
Trudy Jones Dean – District 2
Karen Pachuta – District 3

Pam Fleming – District 1
Brian Bates – District 2
Maria Alexander – District 3
Mayor Pro-Tem

AGENDA

November 19, 2012 6:30 PM

- 1) CALL TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) EXECUTIVE SESSION
- 4) CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:
- 5) ROLL CALL
- 6) APPROVAL OF MINUTES:
 - a) October 1, 2012
- 7) PUBLIC COMMENTS ON AGENDA ITEMS
- 8) REPORTS: DEPARTMENTS
 - a) Mayor
 - i) Christmas Eve
 - b) City Attorney
 - i) Resolution to Delete Section 6-419
 - c) Stormwater
 - d) Police
 - e) Courts
 - f) Public Works
 - g) Library
 - h) Parks & Recreation
 - i) City Hall
 - 1-285 at Georgia 400 Project Resolution of Support
 - j) Planning & Zoning
 - k) IT Department
 - l) Finance
- 9) PUBLIC HEARING
 - a) LED Sign Ordinance- Director of Planning and Development Joe Cooley
 - b) Text Amendment OW Zoning District- Director of Planning and Development Joe Cooley
 - c) Rezoning from OW Office Warehouse to OI Office Institutional for Property at 3988-4064 Flowers Rd (Parcel # 18 322 06 001)- Director of Planning and Development Joe Cooley
 - d) Text Amendment to address Signs for Vacant Properties- Director of Planning and Development Joe Cooley

- c) Commercial Design Standards- Director of Planning and Development Joe Cooley

10) OLD BUSINESS

- a) Ordinance Language regarding \$5,000.00 spending allowance- Councilmember Trudy Jones Dean
- b) Resolution to Revise SOB License Fee-City Attorney Cecil McLendon Jr.

11) NEW BUSINESS

- a) Agenda Packets- Councilmember Trudy Jones Dean

12) REPORTS: COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

13) PUBLIC COMMENTS:

14) ADJOURNMENT:



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Resolution to Delete Section 6-419**

Date of Meeting: November 19, 2012

Budget Impact: ___Y ___X___N

Budget Impact Amount: \$___N/A

Funding Source:

() Annual

() Capital

() N/A

Regular Meeting (X)

Work Session ()

Recommendation (X)

Policy/Discussion ()

Report ()

Other ()

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The City recently adopted a revised Ordinance for regulation of Sexually Oriented Businesses. Part of that Ordinance, Section 6-419, concerned restrictions on the locations for available SOB Business spaces. The attached Ordinance revises that section after review of available zoning and land use data to make sure that the Ordinance passes all constitutional muster required for 1st Amendment-related businesses.

Options: ___To adopt this Ordinance amendment or not.

Recommended Action: ___Strongly Recommend adoption.

Department: _Legal

Department Head: _Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO AMEND CHAPTER 6 ("BUSINESSES AND BUSINESS REGULATIONS"), ARTICLE X ("SEXUALLY ORIENTED BUSINESSES"), BY REPEALING SECTION 6-419; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council considered such evidence in conjunction with its consideration and adoption of licensing requirements and operational regulations in Ordinance 2012-18; and

WHEREAS, the City Council hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects, that were before the City Council with Ordinance 2012-18; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the Zoning Ordinance of the City of Doraville, Georgia governs the location of new sexually oriented businesses; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1

That Chapter 6 ("Businesses and Business Regulations"), Article X ("Sexually Oriented Businesses"), Section 6-419 ("Location of Sexually Oriented Businesses") of the Code of Ordinances, City of Doraville, Georgia, is hereby repealed and shall be marked "Reserved."

Section 2

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 3

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED AND EFFECTIVE, this _____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Marie Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



AGENDA ITEM REQUEST SHEET
November 7, 2012

Subject: I-285 at Georgia 400 Project Resolution of Support

Date of Meeting: November 19, 2012

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☒ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☒
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends adoption of the resolution supporting the I-285 at Georgia 400 Interchange reconstruction project.

Background: The Perimeter Community Improvement Districts (PCIDs) leadership is seeking to enlist the support of the City for the aforementioned project. Ms. Yvonne Williams has requested to present the matter to Council at the November 19th meeting. As is evidenced on any given day at rush hour, the project, in conjunction with our own, is necessary to maximize potential growth. PCIDs is also seeking the support of the cities of Chamblee, Dunwoody and Sandy Springs as well as the affected counties.

Packet materials include draft resolution and the resolution adopted by PCIDs.

Respectfully,

S/ Luke Howe
Assistant to the Mayor



Transportation Investment Act of 2010 Final Investment List Project Fact Sheet (FINAL - January 2012)*

Identification

TIA-AR-030

Project Name

I-285 North at SR 400 - Interchange Improvements

Project Type

Roadway

- | | |
|--|--|
| <input type="checkbox"/> Road Capacity Expansion | <input type="checkbox"/> Aviation |
| <input type="checkbox"/> Road Asset Management | <input type="checkbox"/> Bicycle / Pedestrian |
| <input checked="" type="checkbox"/> Road Safety / Operations | <input type="checkbox"/> Transit Network Expansion |
| <input checked="" type="checkbox"/> Freight / Logistics | <input type="checkbox"/> Transit Operations / Maint. |

PLAN 2040 Status

Not identified as a separate line item in PLAN 2040 because it is integrated into broader managed lanes project

Related Project Numbers: AR-ML-200

Location: I-285 Corridor



Description, Purpose and Benefits

This project will reconstruct substantial portions of the I-285 / SR 400 interchange to facilitate the flow of traffic and improve safety. This interchange is one of the most congested in the entire region and Southeastern United States. Located at the edge of the Perimeter Center area, it provides critical connectivity to other regional activity centers to the north, south, east and west. The project will improve ramps between SR 400 and I-285, as recommended by the Revive 285 study's environmental review process. The scope will tie into another project (TIA-FN-014) to the immediate north along SR 400. ARC regional travel demand model calculations indicate that congestion levels for certain analyzed movements, such as from I-285 eastbound to SR 400 northbound, will be reduced by as much as 28% compared to current levels once the project is complete. The total cost of the project is \$450,000,000, of which \$112,500,000 will be funded under TIA and the remaining \$337,500,000 covered by traditional federal formula funds.

Project Length

N/A

miles

These fields are only applicable to certain types of projects.

Lanes (Current)

N/A

Lanes (Proposed)

N/A

Funding

Commitments

(all amounts shown in current year 2011 dollars)

TIA Funds	\$112,500,000
Federal Funds	\$337,500,000
Local Funds*	\$0
Total Funding	\$450,000,000

* Additional local funds may be identified prior to the referendum to deliver some projects.

Implementation Band

Construction likely to occur in Band 3 (2020-2022)



* This fact sheet provides supplemental scope information related to projects approved by the Atlanta Regional Roundtable on October 13, 2011. For certain project types, it may also include performance data derived through a technical analysis conducted by the Atlanta Regional Commission following approval of the investment list. Grammatical corrections and clarifications were also made to the text as necessary. No changes to project scopes, schedules or budgets were made. For the original fact sheets, as approved by the Roundtable, refer to the Final Report available at www.atlantaregionalroundtable.com.



A RESOLUTION OF SUPPORT

WHEREAS: The Central Perimeter Market is the largest office market in Metro Atlanta with 29 million-square-feet of space and is also one of the largest employment centers in the Southeast with more than 123,000 workers and;

WHEREAS: The heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contain \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenues for the State of Georgia with \$77 million more expected annually by 2018 and;

WHEREAS: Serious traffic congestion in the I-285 at Georgia 400 Interchange has a major impact on the Perimeter market and its ability to retain and attract jobs and;

WHEREAS: An adjacent portion of Georgia 400 was named the most unreliable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation and;

WHEREAS: The I-285 top end corridor connects the two major Cumberland and Perimeter job markets with the former General Motors site in Doraville, a potential third major jobs market, and I-285 is the only east to west connection between the two major I-75 and I-85 interstate corridors in the northern Atlanta area and;

WHEREAS: In order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and 6 million additional square feet of retail space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs and;


WHEREAS: To facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for a major reconstruction of the I-285 at Georgia 400 Interchange and;


WHEREAS: The I-285 at Georgia 400 Interchange project is already included in the comprehensive solutions developed for the Revive285 top end project and;

WHEREAS: The I-285 at Georgia 400 Interchange is a regional project of significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnership, strategic delivery and building public trust of its importance and;

WHEREAS: On the 25th day of January 2012 the PCIDs (Central DeKalb and Fulton) signed a resolution of support naming the I-285 at Georgia 400 Interchange as the priority capacity project for the northern quadrant regional economic development center to continue its strength and quality growth as part of the Transportation Investment Act (TIA) and;

NOW THEREFORE BE IT RESOLVED that on this 19th day of September 2012 the PCIDs (Central DeKalb and Fulton) reaffirm their support of the I-285 at Georgia 400 Interchange as the top priority project of regional significance and commit their support to the formation of the cross-jurisdictional public/private "Top-End Perimeter Collaborative" to support the I-285 at Georgia 400 Interchange improvements and the strategies to move the project forward as a top priority.


John Heagy, Chair
Central (DeKalb) Perimeter CID


Chuck Altamari, Chair
Fulton Perimeter CID

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION OF SUPPORT OF THE I-285 AT GEORGIA 400 INTERCHANGE AS THE
TOP PRIORITY PROJECT OF REGIONAL SIGNIFICANCE**

WHEREAS, The Central Perimeter Market is the largest office market in Metro Atlanta with 29 million-square-feet of space and is also one of the largest employment centers in the Southeast with more than 123,000 workers and;

WHEREAS, The heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contain \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenues for the State of Georgia with \$77 million more expected annually by 2018. An adjacent portion of Georgia 400 was named the most unreliable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation and;

WHEREAS, The I-285 top end corridor connects the two major Cumberland and Perimeter job markets, and I-285 is the only east to west connection between the two major I-75 and I-85 interstate corridors in the northern Atlanta area. In order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and 6 million additional square feet of retail space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs and;

WHEREAS, To facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for a major reconstruction of the I-285 at Georgia 400 Interchange. The I-285 at Georgia 400 Interchange project is already included in the comprehensive solutions developed for the Revive285 top end project. The I-285 at Georgia 400 Interchange is a regional project of significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnership, strategic delivery and building public trust of its importance and;

WHEREAS, On the 25th day of January 2012 the PCIDs (Central DeKalb and Fulton) signed a resolution of support naming the I-285 at Georgia 400 Interchange as the priority capacity project for the northern quadrant regional economic development center to continue its strength and quality growth as part of the Transportation Investment Act (TIA);

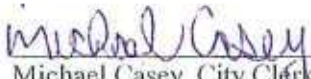
NOW THEREFORE BE IT RESOLVED that on this 2nd day of October 2012, the City of Sandy Springs reaffirms its support of the I-285 at Georgia 400 Interchange as the top priority project of regional significance and commits its support to the formation of the cross-jurisdictional public/private "Top-End Perimeter Collaborative" to support the I-285 at Georgia 400 Interchange improvements and the strategies to move the project forward as a top priority.

RESOLVED this the 2nd day of October, 2012.

Approved:


Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk

(Seal)



**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE**

RESOLUTION NO. 2012-__

**A RESOLUTION SUPPORTING THE RECONSTRUCTION OF THE I-285 AT
GEORGIA 400 INTERCHANGE AS A PRIORITY PROJECT OF REGIONAL
SIGNIFICANCE.**

WHEREAS, the Central Perimeter Market is the largest office market in Metro Atlanta with 29 million square feet of space and is also one of the largest employment centers in Southeast with more than 123,000 workers; and,

WHEREAS, the heart of the Central Perimeter Market is the Perimeter Community Improvement Districts (PCIDs), which contains \$3.8 billion in real estate development that generates \$306.6 million a year in tax revenue for the State of Georgia with \$77 million more expected annually by 2018; and,

WHEREAS, serious traffic congestion in the I-285 at Georgia 400 Interchange has a major impact on the entire top-end especially the Perimeter market and its ability to retain and attract jobs; and,

WHEREAS, an adjacent portion of Georgia 400 was named the most unreliable commute in the nation in the Texas Transportation Institute's 2011 Congested Corridors Report and the adjacent top-end portion of I-285 was cited in the report for having some of the worst congestion problems in the nation; and,

WHEREAS, the I-285 top-end corridor connects the two major Cumberland and Perimeter job markets with the former General Motors site in Doraville, a potential third major jobs market, and I-285 is the only east to west connection between the two major I-75 and I-85 interstate corridors in the northern Atlanta area; and,

WHEREAS, in order to meet current and projected future demand that includes 35,000 more jobs within the PCIDs by 2018, and 6.2 million additional square feet of office space and an additional space by 2021, it is crucial that traffic congestion and safety be improved to better prepare the market, maximize transportation alternatives and connect people to jobs; and,

WHEREAS, to facilitate traffic flow and safety, current cost estimates for the interchange total \$450 million for major reconstruction of the I-285 at Georgia 400 Interchange; and,

WHEREAS, the I-285 at Georgia 400 Interchange project is already included in the comprehensive solutions developed for the Revive285 top-end project; and,

WHEREAS, I-285 at Georgia 400 Interchange is a project of regional significance, serves a major corporate center of the Southeast, will provide opportunities for public-private partnerships, strategic delivery and building public trust of its importance; and,

WHEREAS, on two separate occasions, the PCIDs (Central DeKalb and Fulton) adopted resolutions, supporting the I-285 at Georgia 400 Interchange as a priority project that is critical to the economic vitality of Atlanta's top-end, I-285 corridor; and,

WHEREAS, the PCIDs have sought the support of affected neighboring jurisdictions such as the City of Doraville; and so,

THEREFORE BE IT RESOLVED, in recognizing the importance of forging strategic alliances with its top-end partners for the shared concern of the region, the potential of the General Motors plant redevelopment and the safe and efficient flow of goods, services and people, the Mayor and City Council of the City of Doraville hereby joins its PCIDs partners in supporting the reconstruction of the I-285 at Georgia 400 Interchange as a priority project of regional significance.

ADOPTED AND EFFECTIVE this 19th day of November, in the year 2012.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

ATTEST:

_____ (SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: LED Sign Ordinance

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested: Amendment to sign ordinance to address LED signs – first reading; Public Hearing to be held on Nov. 19, 2012.

History, Facts, Issues: The City placed a moratorium on acceptance of all applications for LED signs to allow time Council to address the possible need to further regulate LED signs and staff to respond with recommendations. City Council met in a special workshop to discuss the sign ordinance and specifically in part to discuss LED signs. The attached text amendment was drafted by staff and the city attorney to reflect policies determined by the Council. The moratorium expires on Nov. 30, 2012. Staff made modifications for the Council's consideration in response to comment at the Nov. 5, 2012 council meeting allowing a maximum of 10% of a sign face to include LED lights for decorative purposes and not allowing use for any text messages.

Options: Amend Chapter 14 to add regulations for LED signs as written; amend Chapter 14 with modification; not amend Chapter 14

Recommended Action: Amendment to Chapter 14 (signs) to add regulations for "LED" signs

Department: Planning & Development
Administrator

Department Head: Zoning

Planning Commission Recommendation: Approval (3-0 in favor)

Staff Comments and Recommendation: Approval of text amendment to amend Sec. 23-908 to allow business office as modified

Action Taken By Board: _____

Cooley, Joe

From: Cooley, Joe
Sent: Tuesday, November 06, 2012 2:35 PM
To: Council; Pittman, Donna
Cc: Bryant, Sandra; Cecil McLendon; Lenny (lfeigin@rileymclendon.com)
Subject: fee for signs for vacant properties & Tostinos sign

Council, as per your requests at the council meeting last night I am providing the following information:

Currently wall signs applications run \$150; monument signs \$250 + \$25/tenant; and stanchion signs \$350.

I discussed the staff time requirements for issuing a sign permit for the proposed vacant property signs with the Permits Clerk. Based upon the average amount of time typically needed to meet with the applicant, obtain the contractor's license information, review for completion and obtain all required information and application processing and the additional time for verification of distance setbacks from the roadway and inspections to assure proper maintenance, we are recommending a fee of at least \$275 for the initial first year permit. Unlike stanchion signs, footer inspections are not needed. If the sign is renewed after the first year it will need to be inspected to make sure it is current and in good condition and a renewal application processed, but there will be no need for additional field work. I would recommend reducing any yearly renewal to \$175 to cover those costs.

Good catch, Bryan! The Tostinos stanchion sign does indeed have LED lights around the outside of the sign in an alternating pattern. It is not animated nor flashes. It was not, however, shown on their sign application permit so the sign was installed beyond the scope of their permit. No one had noticed it in the daylight hours. QOL will need to address the situation. This is a good example of how LED can be used effectively and in my opinion tastefully. If the council wishes to further address this matter the moratorium will need to be extended beyond its current deadline of Nov. 30.

Joseph Cooley JD AICP PLA
Director of Planning and Development
City of Doraville
3725 Park Avenue
Doraville, GA 30340
770-451-8745

STATE OF GEORGIA

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CITY OF DORAVILLE

ORDINANCE NO. 2012 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 14, (SIGNS), TO ADD ADDITIONAL REGULATIONS FOR "LED" SIGNAGE; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 14 (Signs) does not currently contain any regulations or prohibitions of signs utilizing "LED" technology; and

WHEREAS, the Mayor and City Council find that in order to preserve the aesthetic quality of the City, the Council desire to provide for additional regulations encompassing signs utilizing LED technology; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 14 of the City of Doraville, Georgia Code is hereby amended by revising Section 14-1 (Definitions) to revise the definition of "Animated Sign" and "Window Sign" and to add the definition for "LED Signs" to read as follows:

"Animated Sign" shall mean a sign ~~with~~ which requires electrical energy and has any of the following: action, motion, ~~or~~ changing colors, or any message which changes more

than once every sixty (60) minutes, ~~which requires electrical energy.~~ This definition does not include signs which indicate time, temperature or date.

....

“LED Sign” shall mean an electronically controlled sign utilizing light-emitting diodes to form ~~some or the entire sign message.~~ an area of the sign greater than ten (10) percent of the sign face area. LED may not be used to form text messages.

....

“Window Sign” shall mean a sign installed in the interior of a building either flush with or on a window or otherwise intended to be viewed from the outside.

Section 2

That Chapter 14 of the City of Doraville, Georgia, Code is hereby further amended by revising Section 14-8 (“Prohibited Signs”) to add subsection (o) to read as follows:

- (o) *All LED signs except for ~~one~~ window signs equal to or less than a total of four (4) square feet in area ~~per store or office front.~~*

Section 3

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of

this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE

AGENDA ITEM SHEET

Subject: Text Amendment – OW zoning district

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

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Action Requested: Text amendment to allow Office Uses as a permitted use without the requirement for a 51% warehouse space requirement in the O-W Office Warehouse zoning district.

History, Facts, Issues: This application for a text amendment is one approach of a dual-prong approach by the applicant to address the issue of offices within the O-W zoning district relative to property located at 3988 – 4064 Flowers Ave. This property is an existing Office and Warehouse facility and is currently zoned O-W. Offices are located at the front of the buildings and warehouse space is provided toward the rear. The market demand for the project has included a significant increase in need for business office space without extensive warehousing requirements. The O-W zoning district currently requires states:

“Permitted uses: Office/warehouse facilities when the warehouse is an integral portion of the office structure but excluding mini-storage or self-storage facilities. The warehouse portion of the facility must be a minimum of fifty-one (51) percent of the gross floor area regardless of any of heated square footage ratio; however, no less than twenty-five (25) percent of the facility shall be devoted to office use. No warehouse doors shall face a public right-of-way nor shall any shipping/receiving/loading/unloading area face a public right-of-way. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with an office/warehouse use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.”

Over the last year the City has had numerous Occupational Tax Certificate Applications for office space that did not need extensive warehousing space and did not meet the 51% requirement and were denied. Staff has discussed the matter with the owners and their attorney and the only options to allow this type of use is to either rezone the property to O-I which allows offices, but not warehousing and have warehousing as a

legal non-conforming use or to amend the text of the O-W zoning district to allow "office uses." The Applicant has elected to do both, and is submitting the rezoning application concurrently with an application to amend the O-W text.

Options: Amend the O-W zoning district to allow office use without the 51% warehouse requirements, recommend amendment with modifications or deny the request amendment; or recommend that Council approve the concurrent rezoning of the Subject Property to O-I which will make this application moot; or deny both applications.

Staff Comments and Recommendation: The requirement for 51% warehouse space has been an ongoing issue with many applicants for Occupational Tax Certificates at this property. Staff had recommended to the applicant that in order to use the properties in this manner either a text amendment or rezoning would be required. A rezoning of the property would result creating a large number of legal non-conforming businesses which would be grandfathered. Staff feels amendment to the text of OW permitted uses would be preferable to rezoning of the property to OI to allow businesses who do not need such a large amount of warehouse space within the complex. There is one other area of OW in the City, also developed as an office/warehouse park. The amendment to this ordinance would not negatively affect any existing OW properties in the City, but would allow additional use of such property for smaller businesses. Staff recommends **Approval** of amendment to Sec. 23-908 OW permitted uses to allow offices without the 51% of space to be warehouse requirement.

Planning Commission Recommendation: **Approval** (3-0 in favor) Planning Commission expressed their view that this is the best alternative (over rezoning of property) to allow more flexibility for smaller businesses in the OW district.

Department: Planning & Development
Administrator

Department Head: Zoning

Action Taken By Board: _____

**STATE OF GEORGIA
CITY OF DORAVILLE**

ORDINANCE NO. 2012 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 23, (ZONING), SECTION 23-908 TO ADD ADDITIONAL PERMITTED USE TO O-W (OFFICE-WAREHOUSE) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 23 (Zoning Ordinance), Section 23-908 (O-W office/warehouse district), contains regulations regarding, among other things, permitted uses within the O-W Office/Warehouse District; and

WHEREAS, Section 23-908 of the Zoning Ordinance contains the stated purpose for the creation of the O-W Office/Warehouse District as follows: "the office/warehouse district is intended to encourage the development of office and office warehouse facilities in combination where the manufacture and/or the fabrication of products are not involved"; and

WHEREAS, Section 23-908 currently prohibits office uses and allows only office/warehouse uses as a permitted use; and

WHEREAS, the prohibition of office uses within the O-W Office/Warehouse district has had the impact of discouraging the development of office facilities; and

WHEREAS, amending Section 23-908 of the Zoning Ordinance to allow, as a permitted use, offices, would further the stated purpose, intent and goal of the creation of the O-W Office/Warehouse District; and

WHEREAS, it is in the general interest of the health, safety and welfare of the City of Doraville, Georgia that office uses be permitted in the O-W Office/Warehouse District; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 23 of the City of Doraville, Georgia Code is hereby amended by revising Section 23-908 (O-W Office/Warehouse District) to add an additional use to the subsection labeled "*permitted uses*" to read "office uses."

Section 2

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2013.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

September 18, 2012

Mayor and City Council
City of Doraville
3724 Park Avenue
Doraville, Georgia 30340

RE: Letter of Intent and Standards/Application for text amendment

Dear Mayor and Council:

This firm represents owners, by and through Wiedmayer & Co., LLC, of property located within the municipal boundaries of the City of Doraville, Georgia known as 3988 - 4064 Flowers Road ("Subject Property"). The Subject Property is zoned to the OW Office/warehouse district. This application proposes to amend the text of the zoning ordinance pursuant §§ 23-1601 and 23-1602 of the Zoning Ordinance. The purpose of this proposal is to allow one additional "permitted use" within the OW Office/warehouse zoning district.

The OW Office/Warehouse district was enacted for the following purpose: "to encourage the development of office and office warehouse facilities where the manufacture and/or fabrication of products are not involved." See Section 23-908. This stated purpose, however, is frustrated by the fact that the district only permits office warehouse facilities and not offices. Offices, as distinguished from office warehouse facilities, are not allowed in the OW district. This request seeks to further implement the stated purpose and intent of the OW district.

Currently, the OW Office/warehouse district allows one permitted use: Office/warehouse facilities. Office/warehouse facilities are allowed only if "the warehouse is an integral portion of the office structure but excluding ministorage or self-storage facilities. The warehouse portion of the facility must be a minimum of fifty-one (51) percent of the gross floor area regardless of any heated floor square footage ratio; however no less than twenty-five (25) percent of the facility shall be devoted to office use." See Section 23-908, Zoning Ordinance. Further restrictions exist regarding the location of the warehouse entrance, the type of vehicle or trucks which can be parked, stored or dispatched from the facility. Offices that do not contain 51% floor area of warehouse facility are not allowed in the OW district, contrary to its stated purpose and intent.

The single use allowed by conditional use permit in the OW district is climate controlled self storage subject to design guidelines and 8 specific prohibitions of use which may be made of climate controlled self storage facilities.

The Subject Property, zoned to the OW district, is an already developed business park that contains office warehouse uses. Many of the spaces are vacant. While there is little demand for an office warehouse use or climate control self storage within the strict parameters of the

WILSON BROCK & IRBY, L.L.C.

September 18, 2012

Page 2

ordinance, there is a healthy demand for office uses with no warehousing component. This proposed text amendment is to allow office uses as a second "permitted use" within the OW district. The proposed ordinance is attached hereto.

This text amendment will further the general health, safety and welfare of the City of Doraville and will provide a use that is compatible with existing OW properties and their environs as is more particularly shown by addressing each of the standards provided in the zoning ordinance for consideration of rezoning. Each consideration is addressed below in turn.

(1) Existing uses and zoning nearby: There are two parcels that are currently zoned to the OW district in the City of Doraville.

The Subject Property is bordered by U.S. Interstate I-285 to the south. To the east, the property is bordered by R-1 (single family detached) zoning. To the north, across Flowers Road, the property is surrounded by R-1 and RSFA (residential single family attached) zoning. Property on the south side of Flowers Road to the west is zoned to the O-I zoning category. The proposed office use will be less intense, generates less noise, generates less large vehicle traffic and is generally more compatible with single family residential uses than office-warehouse uses currently allowed on the property.

Another parcel zoned to the OW district is located at 6477-6481 Peachtree Industrial Boulevard. This property is surrounded by C-2 and M-1 property. Office uses are allowed in these districts, including business and professional offices, contractor's offices without outdoor storage, engineering and architectural offices, accounting offices and the like. The proposed additional allowable "office" use is consistent with the existing uses and zoning nearby to this lot.

(2) The extent to which property values are diminished by their particular zoning restriction: The Subject Property is currently developed with tenant spaces which have remained vacant for some time. The current zoning restricts the allowed uses of the tenant spaces to only offices which have fifty one (51) percent of its floor area dedicated to warehouse use. The market for such uses is extremely narrow and the property owner has been unable to lease its tenant spaces to such users. There is simply not a demand or market for the single use allowed in the OW District. As such, the projected lease income for office/warehouse uses is very slight, thereby rendering the fair market value of property zoned to the OW district significantly diminished because of the zoning limitation.

The owner of the Subject Property has experienced strong interest in office uses without the warehouse component. Pending approval requests with the City to allow conversion of tenant spaces to office uses exist, demonstrating the demand to allow the conversion of the property to office uses. The fair market value of the property would be able to remain stable if leasing to purely office uses was permitted on the property. Therefore, the property values are significantly diminished by the limitation of uses for property zoned to the OW district to one use, office warehouses.

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(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.

The destruction of the property value of OW properties will not, in any way, promote the health, safety, morals or welfare of the public.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner.

If the text amendment is adopted, no relative harm to the public will result. OW use is a more intense use that generates truck traffic, generates more noise and results in more activity than the proposed office use. The proposed office use is less intense and generates less impacts on surrounding property. Moreover, office uses are compatible with the surrounding properties of land currently zoned to the OW category.

(5) The suitability of the subject property for the proposed zoning

The Subject Property is currently developed with buildings which are designed to office standards so little, if any, cost is required to adapt the use of the building to the proposed rezoning. The property currently contains 334 parking spaces, which means that parking requirements for office uses would be met.

The Peachtree Industrial parcel is surrounded by C-2 and M-1 zoning and is therefore also suitable for office uses.

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property.

The Subject Property is currently developed with 103,109 square feet of buildings used for office and warehouse purposes. Tenant spaces remain vacant, despite the context of a healthy demand for office uses at the facility, for excessive periods of time. Pending approval requests with the City exist demonstrating the demand to allow the conversion of the property to office uses. This context shows that the length of time that spaces remain vacant for the office/warehouse use, considered in the context of the office market demand for the property, is excessive.

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

With regards to the Subject Property, adjacent properties are developed, to the south, as US Interstate I-285. Adjacent properties to the north are developed as attached and detached single family residences. The proposed office use serves as a buffer between the highway and the residences, essentially serving as a transitional use between the highway and the residences. By proposing an office use, the zoning proposal offers a less intense use in the transitional area between the residences and the highway. This serves to eliminate negative

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impacts arising from the warehousing component of office/warehouses. Thus, the proposal permits a use that is suitable in view of the use and development of adjacent and nearby properties.

With regards to the Peachtree Industrial Boulevard tract, said property is surrounded by C-2 and M-1 parcels, which are compatible with the proposed office use. The mixture of commercial, office and light manufacturing uses, along with the office/warehouse use, offers a synergy of uses which do not harm each other but instead work to create a vibrant district.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property to either the Subject Property or the Peachtree Industrial Boulevard Tract. Indeed, by proposing office uses, resulting in less impact of noise, traffic, vibration, and activity to adjacent and nearby property, the zoning proposal will positively impact the existing use or usability of adjacent or nearby property.

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned

For the reasons stated in response to standard 2 above, the Subject Property has no reasonable economic use as currently zoned.

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The zoning proposal will reduce the use of existing streets and transportation facilities, by requiring less heavy vehicles than the currently allowed warehousing uses. There will be no change in the use of utilities. No demand on schools exists with the proposed zoning.

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

No change in the land use plan is required by this zoning proposal. The zoning proposal is in conformity with the policy and intent of the land use plan.

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are currently applications pending with the City for approval of new office tenants to locate in Doraville on the Subject Property. Those new offices are awaiting the outcome of this application.

WILSON BROCK & IRBY, L.L.C.

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Page 5

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community.

The proposed map amendment would result in a more vibrant business climate in Doraville with less vacant spaces, more offices located in Doraville, more employees using services and facilities in Doraville and providing a use that is more compatible with the surrounding properties.

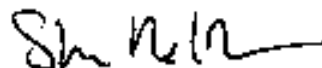
(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities.

The proposed zoning change will result in less heavy load vehicles and trucks serving warehouse components of the Subject Property driving on streets with single family residences.

In addition, by adding the office use as a permitted use within the OW district, the zoning ordinance offers the Mayor and Council a more flexible tool to zone property to a low-intensity use that serves to better fulfill the goal and purpose of the OW district. For the reasons stated above, this application serves to further the interests of the citizens of Doraville and the goals and intent of the zoning ordinance and comprehensive development plan. We respectfully request that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

SR

Enclosures

**STATE OF GEORGIA
CITY OF DORAVILLE**

ORDINANCE NO.

Whereas, the Section 23-908 of the Zoning Ordinance of the City of Doraville contains regulations regarding, among other things, permitted uses within the O-W office/warehouse district; and

Whereas, Section 23-908 of the Zoning Ordinance of the City of Doraville contains the stated purpose for the creation of the O-W office/warehouse district, as follows: "the office/warehouse district is intended to encourage the development of office and office warehouse facilities in combination where the manufacture and/or fabrication of products are not involved"; and

Whereas, Section 23-908 prohibits office uses and allows only office/warehouse uses as a permitted use; and

Whereas, the prohibition of office uses within the O-W office/warehouse district has had the impact of discouraging the development of office facilities; and

Whereas, amending Section 23-908 of the City of Doraville Zoning Ordinance to allow, as a permitted use, offices, would further the stated purpose, intent and goal of the creation of the O-W office warehouse district; and

Whereas, it is in the best interest of the general health, safety and welfare of the City of Doraville, Georgia that office uses be permitted in the O-W office/warehouse district.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA, and by the authority hereof:

Section 1. That Section 23-908 "Permitted uses" of the Code of Ordinances of the City of Doraville, Georgia is hereby amended to add an additional permitted use to read as follows:

"office uses"

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of the Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or

phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Doraville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. The effective date of this Ordinance shall be the date of adoption.



THE CITY OF DORAVILLE

AGENDA ITEM SHEET

Subject: Rezoning from OW Office Warehouse to OI Office Institutional for property at 3988 - 4064 Flowers Road (Tax Parcel # 18 322 06 001)

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Rezoning to allow Office Uses as a permitted use without the requirement for a 51% warehouse space requirement in the O-W Office Warehouse zoning district.

History, Facts, Issues: This application for a text amendment is one approach of a dual-prong approach by the applicant to address the issue of offices within the O-W zoning district relative to property located at 3988 – 4064 Flowers Ave. This property is an existing Office and Warehouse facility and is currently zoned O-W. Offices are located at the front of the buildings and warehouse space is provided toward the rear. The market demand for the project has included a significant increase in need for business office space without extensive warehousing requirements. The O-W zoning district currently requires states:

“Permitted uses: Office/warehouse facilities when the warehouse is an integral portion of the office structure but excluding mini-storage or self-storage facilities. The warehouse portion of the facility must be a minimum of fifty-one (51) percent of the gross floor area regardless of any of heated square footage ratio; however, no less than twenty-five (25) percent of the facility shall be devoted to office use. No warehouse doors shall face a public right-of-way nor shall any shipping/receiving/loading/unloading area face a public right-of-way. No vehicle whose gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, or earth moving equipment shall be parked, stored, or dispatched in connection with an office/warehouse use conducted on the premises. No vehicle for hire shall be parked, stored, or dispatched from the site.”

Over the last year the City has had numerous Occupational Tax Certificate Applications for office space that did not need extensive warehousing space and did not meet the 51% requirement and were denied. Staff has discussed the matter with the owners and

their attorney and the only options to allow this type of use is to either rezone the property to O-1 which allows offices, but not warehousing and have warehousing as a legal non-conforming use or to amend the text of the O-W zoning district to allow "office uses." The Applicant has elected to do both, and is submitting the rezoning application concurrently with an application to amend the O-W text.
Sec. 23-1603 Zoning Approval Review Standards are as follows (with comments):

(1) The existing uses and zoning nearby; This is an existing use which would allow existing businesses to continue as grandfathered uses, but also allow less intense use as primarily office.

(2) The extent to which property values are diminished by their particular zoning restriction; No detrimental impacts are anticipated. This is an existing development. Expansion of use as office is not anticipated to create negative impacts.

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public; No detrimental impacts are anticipated. This is an existing business.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner; No detrimental impacts to the public are anticipated. This is an existing business. A decrease in truck traffic is expected if the vacant space was utilized as office as opposed to only office/warehouse. However, there may be an increase amount of traffic from personal vehicles as opposed to trucks.

(5) The suitability of the subject property for zoning proposed; This is a less intense use of the space and is part of the current use, just without the 51% warehouse requirement.

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property; The Applicant states that the market has changed such that more office space is required, opposed to purely office/warehouse. A number of businesses by the City have either been rejected or modified their leases when applying for an Occupational Tax Certificate due to the 51% warehouse requirement.

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; The uses are suitable.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; No detrimental impacts are anticipated. This is an existing business and less intense zoning district proposed.

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; The current permitted uses under C-2 zoning restrict uses for which the site was developed and historically utilized. See Item 6 above.

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools; No detrimental impacts are anticipated. Existing businesses would continue as grandfathered uses.

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; The property is designated as Profession Employment Center. Offices are an appropriate use.

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal; None presented.

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; No detrimental impacts are anticipated. These are existing businesses and Ol is a less intense zoning district, and

(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities. No detrimental impacts are anticipated. See Item 4 above.

Options: Amend the O-W zoning district to allow office use without the 51% warehouse requirements, recommend amendment with modifications or deny the request amendment; or recommend that Council approve the concurrent rezoning of the Subject Property to O-I which will make this application moot; or deny both applications.

Staff Comments and Recommendation: The requirement for 51% warehouse space has been an ongoing issue with many applicants for Occupational Tax Certificates at this property. Staff had recommended to the applicant that in order to use the properties in this manner either a text amendment or rezoning would be required. A rezoning of the property would result creating a large number of legal non-conforming businesses which would be grandfathered. Staff feels amendment to the text of OW permitted uses would be preferable to rezoning of the property to OI to allow businesses who do not need such a large amount of warehouse space within the complex. There is one other area of OW in the City, also developed as an office/warehouse park. The amendment to this ordinance would not negatively affect any existing OW properties in the City, but would allow additional use of such property for smaller businesses. Staff recommends Approval of amendment to Sec. 23-908 OW permitted uses to allow offices without the 51% of space to be warehouse requirement.

Planning Commission Recommendation: Approval (3-0 in favor) Planning Commission expressed their view that this is the best alternative (over rezoning of property) to allow more flexibility for smaller businesses in the OW district.

Department: Planning & Development
Administrator

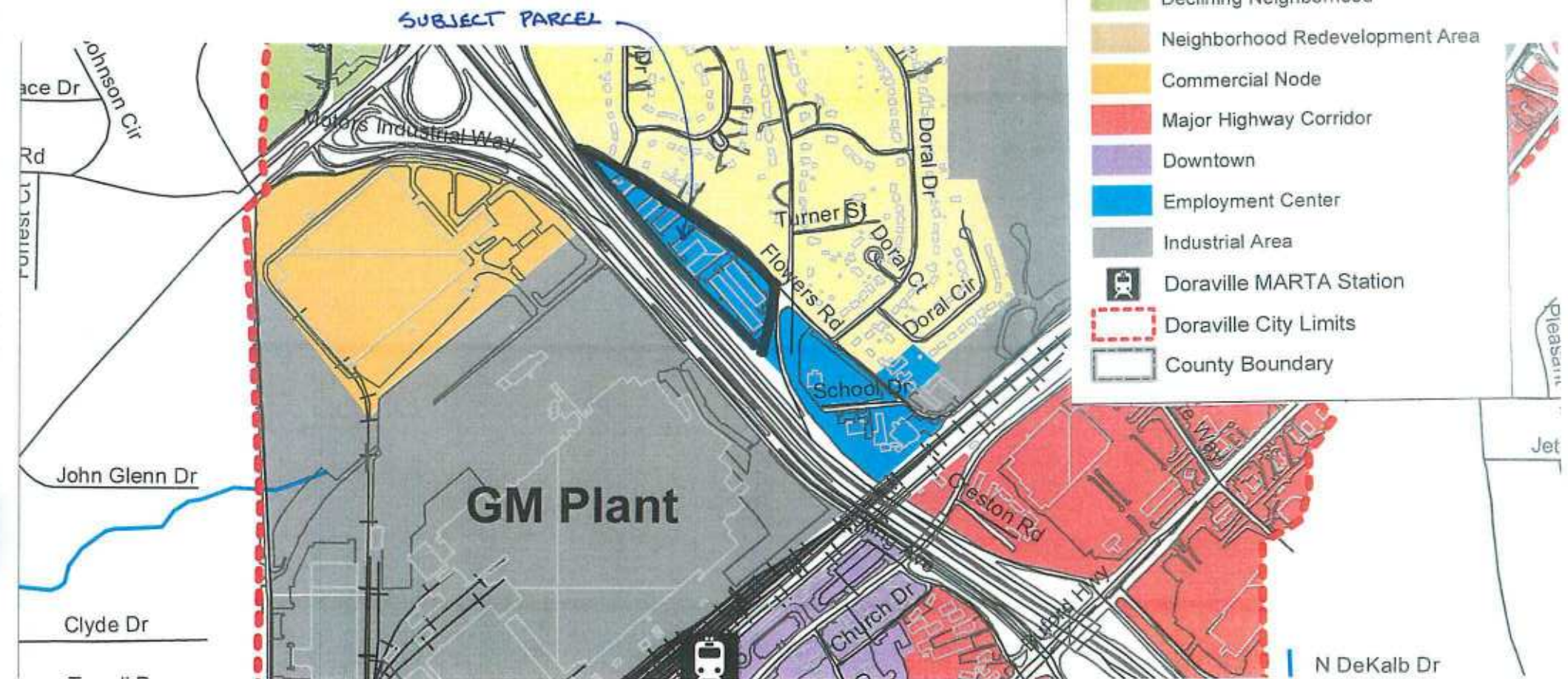
Department Head: Zoning

Action Taken By Board: _____

Legend

Character Areas

- Stable Neighborhood
- Declining Neighborhood
- Neighborhood Redevelopment Area
- Commercial Node
- Major Highway Corridor
- Downtown
- Employment Center
- Industrial Area
-  Doraville MARTA Station
- Doraville City Limits
- County Boundary

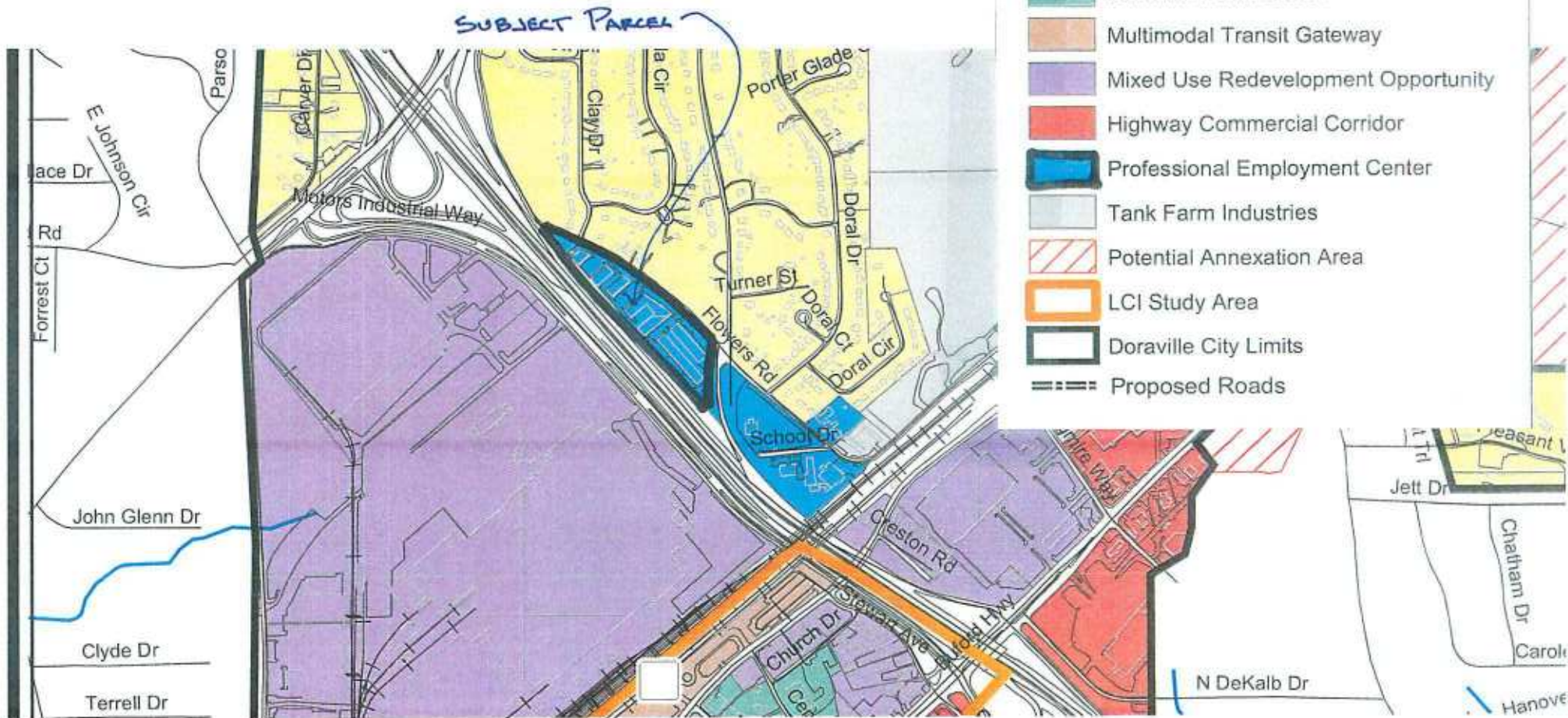


Character Areas

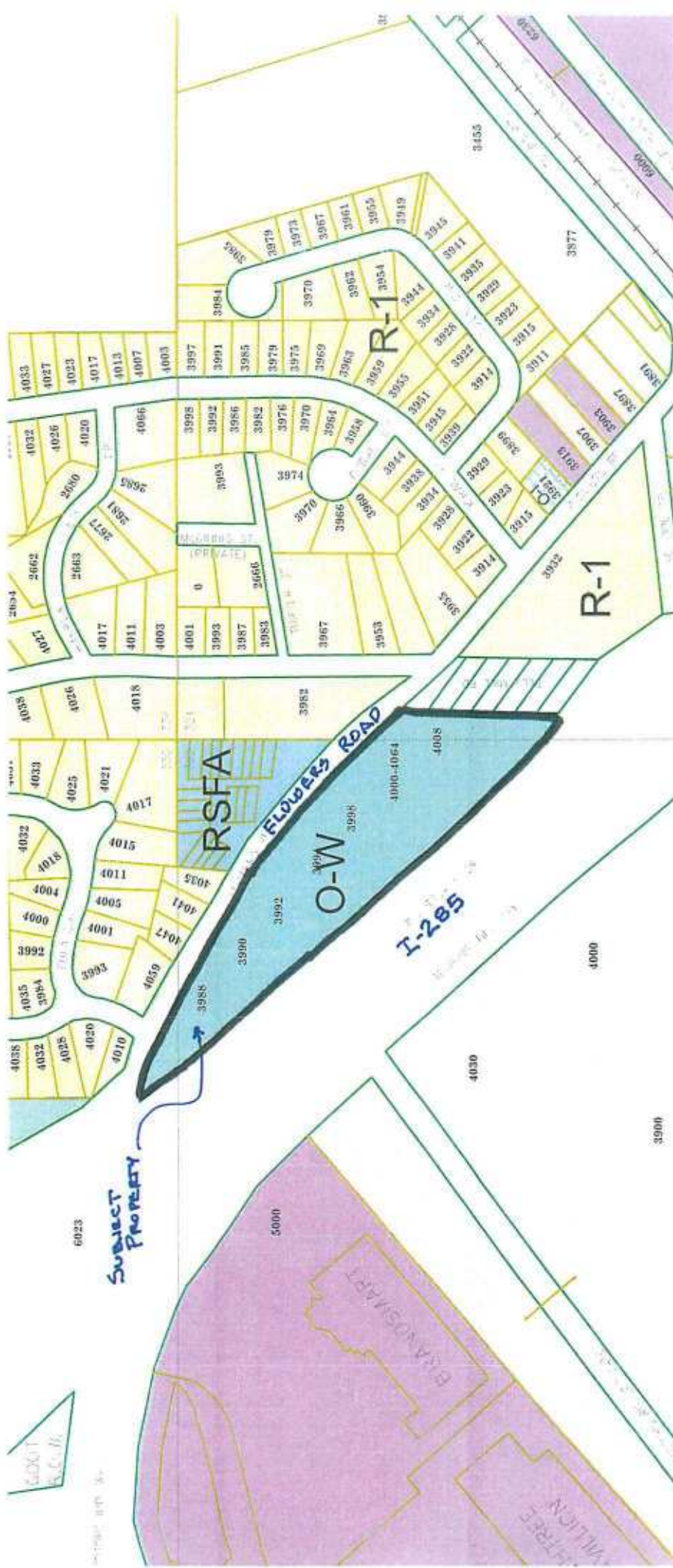
Legend

Future Development Areas

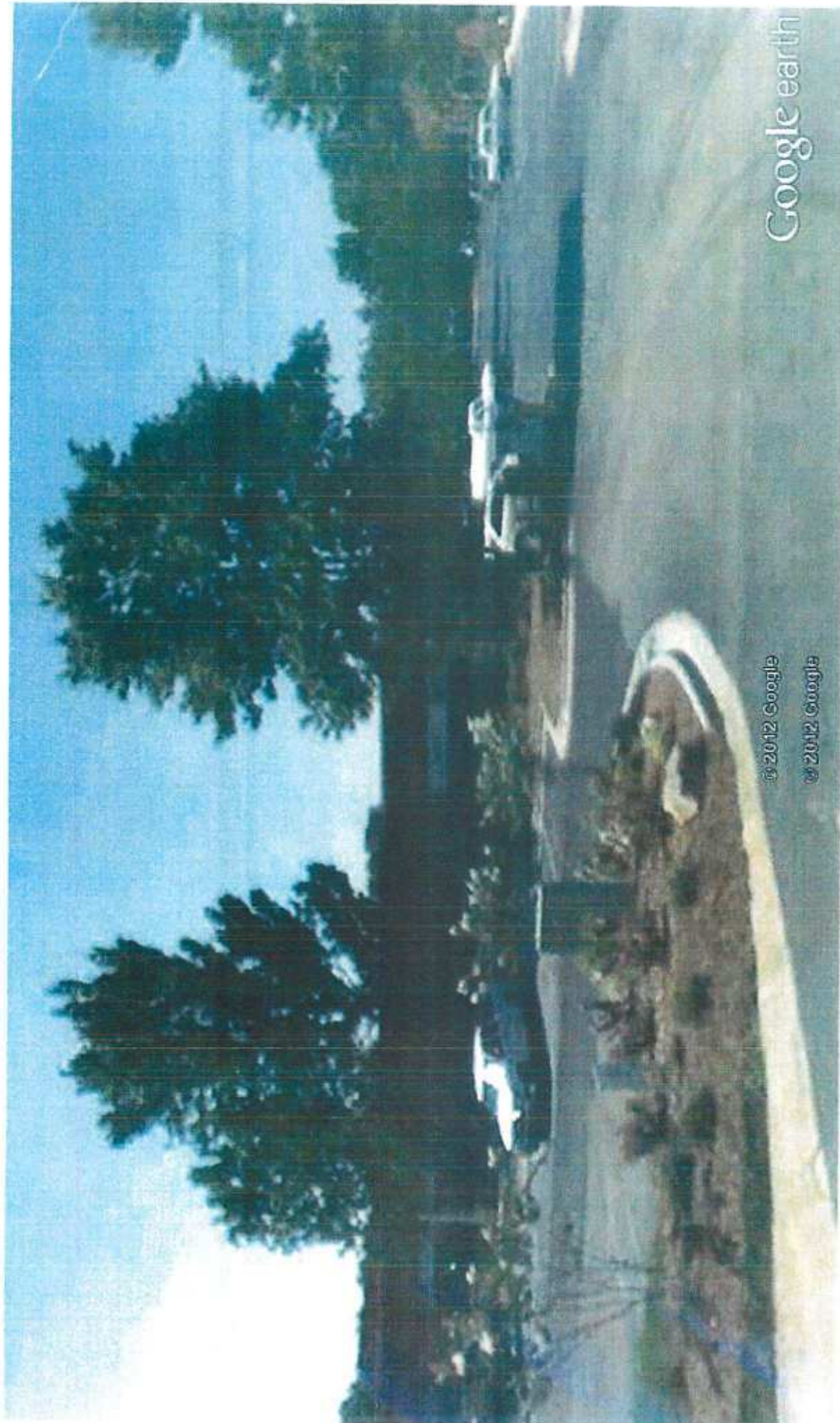
- Neighborhood Preservation District
- Doraville Town Center
- Multimodal Transit Gateway
- Mixed Use Redevelopment Opportunity
- Highway Commercial Corridor
- Professional Employment Center
- Tank Farm Industries
- Potential Annexation Area
- LCI Study Area
- Doraville City Limits
- Proposed Roads



Future Development Map



Current Zoning



Google earth

feet
meters

10

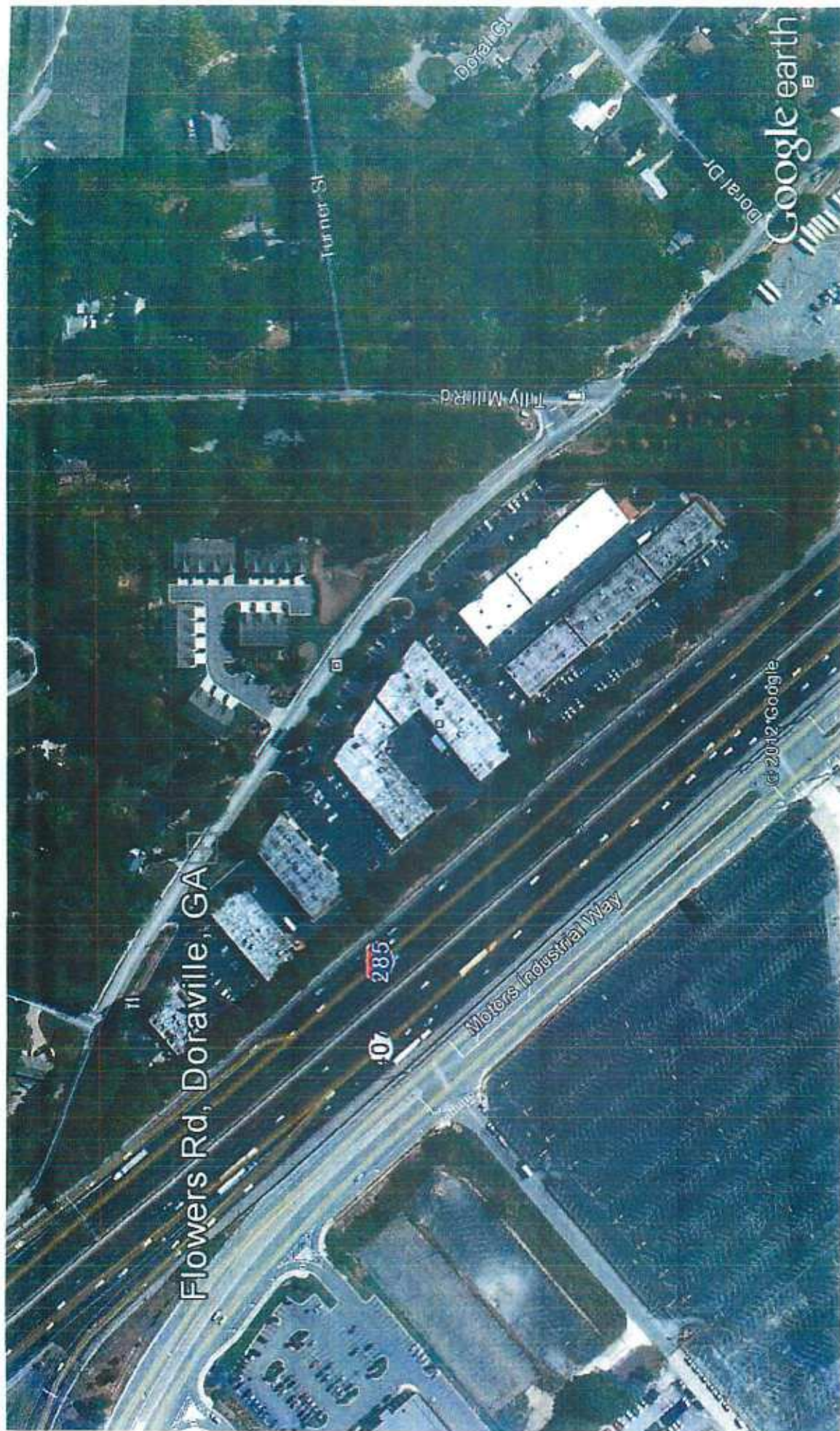
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Google earth



Flowers Rd, Doraville, GA

Mott Industrial Way

285

01

Turner St

Doraville

Google earth

Google earth

feet
meters

1000

400





City of Doraville Planning & Development Department

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

Date Received: _____ (incomplete applications shall not be accepted)

ZONING # _____

APPLICANT

Name: Stephen Rothman, Wilson Brock & Irby, LLC

Mailing Address: 2849 Paces Ferry Rd., Suite 700, Atlanta, GA 30339

E-mail: srothman@wbilegal.com Daytime Phone: 404-853-5050 Fax: 404-853-1812

OWNER

Name: Wiedmayer & Co., LLC, et al.

Mailing Address: 3520 Piedmont Rd., NE, Suite 410, Atlanta, GA 30305

E-mail: srothman@wbilegal.com Daytime Phone: 404-853-5050 Fax: 404-853-1812

SUBJECT PROPERTY

Street Address: 3988-4064 Flowers Road

Tax ID Parcel No.: 18 322 06001 District(s) 18 LL 321, 322 Block 6 Council District: 1

Current Zoning Category: OW Requested Zoning Category: OI Acreage: 8.097

Future Land Use Character Area: professional employment Within LCI Study Area: Yes _____ No x

Application process:

- (1) Meet with City staff. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (2) Submittal of the application. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) Review by City staff. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) Presentation to Planning Commission. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- (5) Notification of public hearing. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- (6) Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (7) City Council public hearing. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

(8) City Council decision. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed zoning amendment.

(9) Conditions. The City Council may require such modifications in the proposed use and attach such conditions to the zoning amendment as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

STANDARDS

The Mayor, City Council, staff and appointed bodies shall, in deciding any rezoning application, consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this section:

- (1) The existing uses and zoning nearby;
- (2) The extent to which property values are diminished by their particular zoning restriction;
- (3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for zoning proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;
- (7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- (11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;
- (13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and
- (14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

REQUIRED DOCUMENTS:

- _____ Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning districts and businesses; justification of how the requested use meets the Standards (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.);
- _____ Site plan (see site plan requirements)
- _____ Any additional information required by the City based upon the initial application meeting with staff;
- _____ Completed application (incomplete applications will not be accepted);
- _____ Owner's Authorization of Agent (if Applicant is not the owner).

APPLICATION FEE: See current City Fee Schedule: Sec 2-761, - Zoning processing fees

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes _____ No ☒

If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

Cheryll Cruz 9/18/12
NOTARY DATE

Shirley Noller Sept 18 2012
SIGNATURE OF APPLICANT DATE

May 15, 2016
EXPIRATION DATE / SEAL

Stephen Rothman
Check One: Owner _____ Agent ☒



APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP

NOTE: 12 COPIES OF THE COMPLETED PACKAGE ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COLATED AND SUBMITTED AS 12 SEPERATE PACKAGES INCLUDING ALL PLANS WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" X 12" SIZE.

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees.
An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.

Cheryll Cruz 9/18/12
NOTARY DATE

Sh. Nkhu 9-18-2012
SIGNATURE OF APPLICANT DATE

MAY 15, 2014
EXPIRATION DATE / SEAL

Stephen Rothman
Check One: Owner _____ Agent X





City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: _____

TYPE OF APPLICATION

- () Land Use Plan
(x) Rezone
() Conditional Use Permit
() Minor Modification
() Other _____

SUBJECT PROPERTY ADDRESS

3988-4064 Flowers Road

Suite/Unit # _____

Tax Parcels # 18 322 06001

TO WHOM IT MAY CONCERN:

(I) (WE), see attached

(NAME OF OWNER(S)) (print or type)

being (owner)/(owners) of the property described above or as attached hereby delegate authority to

Stephen Rothman

(PRINTED NAME OF APPLICANT OR AGENT REPRESENTING OWNER(S)) (print or type)

to file an application on (my) / (our) behalf.

Richard J. Mary
Notary Public Commission Expires
3/31/2015

Notary Public

Notary Public

Wiedmayer & Co., LLC on behalf of owners
Owner

Owner

Owner

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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2949 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBLEGAL.COM

STEPHEN ROTHMAN

SROTHMAN@WBLEGAL.COM
DIRECT DIAL: (770) 803-3731

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

September 18, 2012

Mayor and City Council
City of Doraville
3724 Park Avenue
Doraville, Georgia 30340

RE: Letter of Intent and Standards Application for 3988-4064 Flowers Road

Dear Mayor and Council:

This firm represents the owners by and through Wiedmayer & Co., LLC, who respectfully submit this application to rezone 8.097 acres of land to the O-I zoning category. This request is submitted as an alternative to an application contemporaneously herewith to change the text of the existing ordinance to allow office uses in the OW (Office Warehouse) District. If the other application is not approved, we respectfully request that this application be approved.

The property's southern boundary line abuts U.S. Interstate I-285. To the north, across Flowers Road, there exists a mixture of attached and detached single family residential uses.

The subject property is located on Flowers Road adjacent to U.S. Interstate I-285 near its intersection with Tilly Mill Road. The property is currently zoned OW (Office Warehouse) and is currently developed with 103,109 square feet of buildings used for office and warehouse purposes. The property currently has 334 parking spaces. The use of the property has evolved from an office/warehouse use to a mixture of purely office uses and office warehouse uses. This evolution in the use of the property gives rise to this zoning request.

The OW Office/Warehouse District permits one use only: a facility with offices where a warehouse is an integral portion of the office structure. Section 23-908 requires that five-one (51) percent of the gross floor area of the use be dedicated to warehousing use. The OW District does not allow purely office uses.

In the event the companion application is not approved, this is to request that the zoning on the property be changed to the O-I district, so that office uses are permitted without the requirement that fifty-one (51) percent of the facility be used for warehousing purposes.

This rezoning to further the general health, safety and welfare of the City of Doraville and will provide a use that is more compatible with surrounding properties than the current use allowed under the OW District, as is more particularly shown by addressing each of the standards provided in the zoning ordinance for consideration of rezoning. Each consideration is addressed below in turn.

(1) Existing uses and zoning nearby: The property is bordered by U.S. Interstate I-285 to the south. To the east, the property is bordered by R-1 (single family detached) zoning. To the north, across Flowers Road, the property is surrounded by R-1 and RSFA (residential single family attached) zoning. Property on the south side of Flowers Road to the west is zoned to the O-I zoning category. The proposed office use will be less intense, generates less noise, generates less large vehicle traffic and is generally

WILSON BROCK & IRBY, L.L.C.

September 18, 2012

Page 2

more compatible with single family residential uses than the purely OW uses currently allowed on the property.

(2) The extent to which property values are diminished by their particular zoning restriction:

The property is currently developed with tenant spaces which have remained vacant for some time. The current zoning restricts the allowed uses of the tenant spaces to only offices which have fifty one (51) percent of its floor area dedicated to warehouse use. The market for such uses is extremely narrow and the property owner has been unable to lease its tenant spaces to such users. There is simply not a demand or market for the single use allowed in the OW District. As such, the projected lease income for office/warehouse uses is very slight, thereby rendering the fair market value of the property significantly diminished because of the zoning limitation.

The owner has experienced strong interest in office uses without the warehouse component. Pending approval requests with the City to allow conversion of tenant spaces to office uses exist, demonstrating the demand to allow the conversion of the property to office uses. The fair market value of the property would be able to remain stable if leasing to purely office uses was permitted on the property. Therefore, the property values are significantly diminished by the limitation of uses for the property to one use, office warehouses.

(3) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.

The destruction of the property value of the subject property will not, in any way, promote the health, safety, morals or welfare of the public.

(4) The relative harm to the public as compared to the hardship imposed upon the individual property owner.

If the zoning request is approved, no relative harm to the public will result. The existing OW use is a more intense use that generates truck traffic, generates more noise and results in more activity that is incompatible with the surrounding residential community. The proposed OI uses are less intense and generate less impacts on surrounding property. Moreover, OI uses for this existing business park are more compatible with the surrounding single family detached and attached uses.

(5) The suitability of the subject property for the proposed zoning

The property is currently developed with buildings which are designed to office standards so little, if any, cost is required to adapt the use of the building to the proposed rezoning. The property currently contains 334 parking spaces, which means that parking requirements for the OI district would be met.

(6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property.

The property is currently developed with 103,109 square feet of buildings used for office and warehouse purposes. Tenant spaces remain vacant, despite the context of a healthy demand for office uses at the facility, for excessive periods of time. Pending approval requests with the City exist demonstrating the demand to allow the conversion of the property to office uses. This context shows that

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the length of time that spaces remain vacant for OW uses, considered in the context of the office market demand for the property, is excessive.

(7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Adjacent properties are developed, to the south, as US Interstate 1-285. Adjacent properties to the north are developed as attached and detached single family residences. The proposed OI uses serve as a buffer between the highway and the residences, essentially serving as a transitional use between the highway and the residences. By proposing OI uses, in lieu of the existing OW uses, the zoning proposal offers a downzoning. Thus, this zoning proposal is for a less intense use in the transitional area between the residences and the highway. This serves to eliminate negative impacts arising from the warehousing component of the OW uses. Thus, the proposal permits a use that is suitable in view of the use and development of adjacent and nearby properties.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Indeed, by proposing a downzoning, resulting in less impact to adjacent and nearby property, the zoning proposal will positively impact the existing use or usability of adjacent or nearby property.

(9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

For the reasons stated in response to standard 2 above, the property has no reasonable economic use as currently zoned.

(10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The zoning proposal will reduce the use of existing streets and transportation facilities, by requiring less heavy vehicles than the currently allowed warehousing uses. There will be no change in the use of utilities. No demand on schools exists with the proposed zoning.

(11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

No change in the land use plan is required by this zoning proposal. The zoning proposal is in conformity with the policy and intent of the land use plan.

(12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are currently applications pending with the City for approval of new office tenants to locate in Doraville. Those new offices are awaiting the outcome of this application.

WILSON BROCK & IRBY, L.L.C.

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Page 4

(13) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community.

The proposed map amendment would result in a more vibrant development with less vacant spaces, more offices located in Doraville and a use that is more compatible with the surrounding single family residential uses.

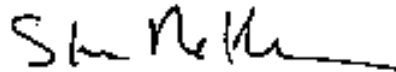
(14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities.

The proposed zoning change will result in less heavy load vehicles and trucks serving warehouse components of the property driving on streets with single family residences.

For the reasons stated above, this application serves to further the interests of the citizens of Doraville and the goals and intent of the zoning ordinance and comprehensive development plan. Fair notice requires that the owner and applicant place the city on notice that, if this application is denied or approved in a manner inconsistent with the request to allow office uses as proposed herein, then the owner's and applicant's rights pursuant to Article I, Section I, Paragraph I; Article I, Section I, Paragraph II, Article I, Section III, Paragraph I of the Georgia Constitution and the 5th and 14th amendments to the US constitution will be denied. However, given the compatibility of this request with the policies and goals of the City of Doraville, we respectfully request that this application be approved.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Stephen Rothman

SR
Enclosures



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Text Amendment to address Signs for Vacant Properties

Date of Meeting: 11/19/12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting	<input checked="" type="checkbox"/>
Work Session	<input type="checkbox"/>
Recommendation	<input type="checkbox"/>
Policy/Discussion	<input type="checkbox"/>
Report	<input type="checkbox"/>
Other	<input type="checkbox"/>

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Text Amendment

History, Facts, Issues: This is a public hearing and second reading Council having heard first reading on Nov. 5, 2012. The Mayor and staff have been receiving a number of comments regarding the fact that the City sign ordinance does not address signage for vacant properties. Chapter 14 (sign code) addresses signage for businesses, but the code does not address signage for vacant properties. Businesses have been using banners for such purposes in the past, which are not allowed according to City code. Our banner ordinance is written to address special sales, opening and events that are of a fixed date or known time period. The signs are limited to 14 days. Sec. 14-8.1 of our code states:

Flags other than official flags of a governmental entity, banners, pennants, balloons, or streamers, air- or gas-filled figures, or other devices requiring air, gas, wind or other natural means for operating or movement (a "promotional sign") except for a period not to exceed fourteen (14) days for the purpose of drawing attention to a particular event or activity.

A number of large and small businesses have expressed concern about not being able to legally place banners or signs on vacant properties. City Council discussed this item at a council signage workshop, made recommendations and forwarded to the Planning Commission for recommendations.

The City Council reviewed the draft language at their workshop on signs on August 13, staff made modifications accordingly. Planning Commission reviewed the text on Sept. 5 and made attached recommendation of approval with modifications (see attached).

Options: Review recommendations by Planning Commission and staff and decide standards in subsections 1(a); 2(a,b,c); and 4, as well as appropriate fee. Staff recommends a fee of \$275 for the first year based upon processing, site inspection and initial site inspections

and measurements and reducing renewal to \$175 to cover processing, site inspection and enforcement.

Planning Commission Recommendation: Approval with modifications as shown on attached sheet "Language based Upon Planning Commission Recommendations".

Staff Recommended Action: Approval

Department: Planning & Development

Department Head: Joe Cooley

Administrative Comments and Recommendation:

Action Taken By Board: _____

Language based upon Planning Commission Recommendations

Amend Sec. 14-12 Signs to

Signs-During-Vacancy shall mean a temporary free-standing sign or a temporary wall banner permitted for development with vacant lots, units, and/or tenant spaces.

Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one on-premises temporary Sign-During –Vacancy sign per access-providing street frontage of the development. Said sign may be free-standing or a wall banner subject to the following conditions:

1. Free-standing signs shall not exceed:
 - a. ~~20- 24~~ sixteen (16) square feet per face (double faced signs are allowed as long as the sign faces created an angle no greater than 45 degrees between faces),
 - b. shall have a maximum height of ~~five (5)~~ six (6) feet, and
 - c. shall not be internally illuminated.
2. Wall banners shall not exceed:
 - a. 24 sixteen (16) square feet when sign will be on a building wall within 25 feet or less from the road right-of-way.
 - b. 40 twenty-four (24) square feet in area when sign will be on a building wall greater than 25 feet and less than 75 feet from the road right-of-way.
 - c. 80 forty (40) square feet when sign will be on a building wall greater than 75 feet from road right-of-way.
3. All such signs shall be maintained in good condition.
4. All such signs shall be removed upon the development obtaining ~~95%- 90%~~ seventy-five percent (75%) occupancy.
5. All such signs shall require a sign permit *to be renewed on an annual basis.* ~~but no fee shall be assessed.~~ *(Planning Commission also recommended that there be a annual fee to cover the administrative and enforcement costs added to the city fee schedule)*

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012 - _

AN ORDINANCE OF THE CITY OF DORAVILLE, GEORGIA, TO AMEND CHAPTER 14, (SIGNS), TO ADD ADDITIONAL REGULATIONS FOR "SIGNS DURING VACANCY" SIGNAGE; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, the City Council of the City of Doraville, Georgia is tasked with the protection of the City's public health, safety and general welfare; and

WHEREAS, Chapter 14 (Signs) does not currently contain any provisions to allow additional signage in those commercial developments that have vacancies that need to be advertised; and

WHEREAS, the Mayor and City Council desire to help promote economic development in the City of Doraville and find that it is necessary to provide for additional signage allowance for developments with substantial vacancies; and

WHEREAS, a duly advertised public hearing, in accordance with the Georgia Zoning Procedures Act, has been held by the City of Doraville to consider these revisions on _____, 2012.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN, as follows:

Section 1

That Chapter 14 of the City of Doraville, Georgia Code is hereby amended by revising Section 14-1 (Definitions) to add a definition of "Signs During Vacancy" to read as follows:

Signs-During-Vacancy shall mean a temporary free-standing sign or a temporary wall banner permitted for development with vacant lots, units, and/or tenant spaces.

Section 2

That Chapter 14 of the City of Doraville, Georgia, Code is hereby further amended by revising Section 14-12 ("General Size and Location Requirements on commercial and Industrial Zoned Parcels") to add subsection (i) to read as follows:

(i) *Signs-During-Vacancy Signs.* *Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one on-premises temporary Sign-During-Vacancy sign per access-providing street frontage of the development. Said sign may be free-standing or a wall banner subject to the following conditions:*

(1) *Free-standing signs shall not exceed:*

- a. *Sixteen (16) square feet per face (double faced signs are allowed as long as the sign faces created an angle no greater than 45 degrees between faces);*
- b. *Have a maximum height of six (6) feet; and*
- c. *Not be internally illuminated.*

(2) *Wall banners shall not exceed:*

- a. *Sixteen (16) square feet when sign will be on a building wall within twenty-five (25) feet or less from the road right-of-way;*
- b. *Twenty-four (24) square feet when sign will be on a building wall greater than twenty-five (25) feet and less than or equal to seventy-five (75) feet from the road-right-of-way;*

c. *Forty (40) square feet when sign will be on a building wall greater than seventy-five (75) feet from road right-of-way.*

(3) *All such signs shall be maintained in good condition.*

(4) *All such signs shall be removed upon the development obtaining 75% occupancy.*

(5) *All such signs shall require a sign permit to be renewed on an annual basis.*

Section 3

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional

or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 6

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7

This Ordinance shall become effective on the date of adoption.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yes	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Commercial Design Standards

Date of Meeting: 11-19-12

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE

Action Requested: Amendment to City of Doraville Zoning Code to address Commercial and Institutional Design Standards (Public Hearing).

History, Facts, Issues: The Council directed staff and the Planning Commission to provide recommendations for design standards for commercial structures in the city to replace the ordinance passed last year under section 5 of the code, enacted as a temporary fix. The Planning Commission and city attorney have reviewed the draft ordinance and their comments have been incorporated. Providing photos and graphics to help explain the ordinance was an excellent recommendation that came out of the Planning Commission review and has been incorporated as a separate Design Standards Guidebook which will not be part of the ordinance, but an accompanying document to provide guidance to the public regarding the ordinance.

The Planning Commission reviewed the ordinance on Feb. 1, 2012 and approved 3-0 with recommendations to incorporate graphics, illustrations and photos to make the ordinance easier to understand for the public. This ordinance and Guidebook were originally presented to the City Council in draft form in March 2011. A council workshop was held on Oct. 25, 2012 and public input was taken. The required public hearing was scheduled for Nov. 19, 2012 for council discussion and additional public input. The schedule submitted by Councilperson Patrick call s for final action on the matter on Monday, Dec. 3, 2012.

Options: Approve the Commercial Design Standards as part of the zoning code, to be Article XVII Sec. 23-1701 through 23-1709. Also to add a definition to Sec. 23 – Definitions for Big Box Development; approve the ordinance with modifications; table the matter; or deny the amendment.

Planning Commission Recommendation: Approval (3-0 in favor) with modification on Feb. 1, 2012

Staff Comments and Recommendation: Approval as modified

Department: Planning & Development

Department Head: Joe Cooley

Action Taken By Board: _____

DRAFT For Public Comment REV. 10/29/2012

ARTICLE XVII - ARCHITECTURAL STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND PROJECTS

- Sec. 23-1701. - Intent and purpose.
- Sec. 23-1702. - Applicability; scope.
- Sec. 23-1703. - Definitions.
- Sec. 23-1704. - Building orientation; primary and secondary facades.
- Sec. 23-1705. - Building design.
- Sec. 23-1706. - Roof treatments.
- Sec. 23-1707. - Customer convenience treatments.
- Sec. 23-1708. - Facade treatments.
- Sec. 23-1709. - Curb stops; building perimeter crosswalks.

Sec. 23-1701. - Intent and purpose.

The intent and purpose of this article are as follows:

- (1) To maintain and enhance the attractiveness of the streetscape and the existing architecture in the community.
- (2) To create and maintain a strong community image and identity by providing for architectural treatments that enhances the visual experience of commercial development in the City of Doraville.
- (3) To require articulation that reduces the mass/scale and uniform monolithic appearance of large commercial **and institutional** buildings, and ensures that commercial **and institutional** buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.

Sec. 23-1702. - Applicability; scope.

- (a) Applicability.
 - (1) The provisions of this article shall apply to buildings and projects in C-1 (Neighborhood Commercial), **CT (Commercial Transitional)** and C-2 (General Business), **O-I (Office Institutional), and O-W (Office Warehouse)** zoning districts. ~~However, places of worship, hotels, and motels within O-I, C-1, and C-2 districts are exempt from these regulations, except for the requirements of subsection 23-1705 (c)(1).~~
 - (2) The landscape provisions (both primary and secondary) of section 23-1704 shall also apply to temporary sales offices and model centers.
 - (3) The provisions of this article shall apply to new development, and redevelopment or renovation of an existing building that changes more than ~~fifty (50)~~ **forty (40)** percent of a primary or secondary facade. The ~~fifty (50)~~ **forty (40)** percent facade remodeling or renovation standard only applies to that building facade undergoing renovation or redevelopment. New development or building expansion greater than ~~fifty (50)~~ **twenty (20)** percent in gross floor area shall require full structure compliance. **Redevelopment or renovation that changes more than twenty (20) percent of the**

exterior of an existing building will require compliance with Sec. 23-1705(c)(2) Building color.

- (4) The provisions of this article shall also apply to all principal uses, whether on parent parcels or out-parcels, and to free standing ancillary or secondary uses, such as kiosks, ticket booths, car washes, etcetera.
- (5) The provisions of this article are not intended to prevent the use of alternative design solutions that meet the intent and purpose established in section 23-1701, as determined by the city's Director of Planning and Development after consultation.
- (6) Compliance with the standards set forth in this article shall be demonstrated by submittal of architectural drawings and elevations (of all sides), and a site development plan or site improvement plan in accordance with this and other sections of this code.
- (7) Any decision by the city's Director of Planning and Development in regards to this article may be appealed to the City Council.

Sec. 23-1703. - Definitions.

The following words and terms, when used in this division, shall have the meanings ascribed to them in this section:

Awning or canopy. A covering, hood or shelter (of cloth, plastic, metallic or similar material) suspended or projected over a window or door.

Cornice. An ornamental molding that finishes or crowns the top of a building, wall, arch, and etcetera.

Ornamental and structural detail. A raised or decorative feature, other than a corporate logo, and not including textures, color or materials. Examples are decorative tile, molding, niches, pilasters and columns.

Primary facade. A side of a building that faces a public or private right-of-way or roadway or has the primary customer entrance. (A building may have more than one primary facade.)

Secondary facade. A side of a building that is not a primary facade and either is visible from a public or private right-of-way or roadway or has a secondary or tertiary customer entrance. (A building may have more than one secondary facade.)

Sec. 23-1704. - Building orientation; primary and secondary facades.

- (a) The intent of this section is to orient commercial buildings toward the public right-of-way or roadway or to private internal collector type/roadways and to establish architectural standards for primary and secondary facades in the City of Doraville.
- (b) Primary and secondary facades shall satisfy the applicable facade standards set forth in this section.
- (c) Mid-block commercial buildings shall be oriented to face the right-of-way/roadway, unless it can be shown that compelling site conditions necessitate a different orientation. If compelling site conditions necessitate that the building not face the right-of-way/roadway, then the building is considered to have two (2) primary facades: the facade that faces the right-of-way/roadway and the facade that incorporates the primary customer entrance.
- (d) Corner lot commercial buildings shall be oriented to face a right-of-way/roadway, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If compelling

site conditions necessitate that the building not face such right-of way/roadway, then the building is considered to have three (3) primary facades: the two facades that face the right-of-way/roadway and the facade that incorporates the primary customer entrance.

- (e) All primary facades of a building shall have architectural style, detail, trim features, and roof treatments that are consistent with each other. Further, all primary facades shall have a similar level of treatment, detail and visual interest. This is inclusive of window, primary entrance, roof form (parapet, gable, hip, mansard or combination) and architectural elements (columns, pilasters, pediments, overhangs, balustrades, towers, dormers, cupolas and/or other projections of facade and fenestration). In lieu of actual windows and entrances, niches and alcoves with significant architectural delineation and definition to suggest window and entrance elements shall be used.
- (f) For parcels one half (½) acre or larger, building base perimeter landscaping shall be planted immediately adjacent to and along the full linear length of the primary facade, or between the walk immediately adjacent to the primary facade and the curb along the entire linear length of the primary facade. However, such perimeter landscaping shall allow for reasonable breaks for pedestrian access. The landscaped area shall be a minimum of five (5) feet in depth and shall include shrubs and groundcover with one understory tree planted for each twenty-five (25) feet or fraction thereof of the lineal length of the primary facade. (Understory trees are to be planted no closer than ten (10) feet on center.)
- (g) Office and institutional use primary facades shall have at least one (1) of the following components exclusive of (g)(1) below; and a primary facade subject to subsection (f) of this section shall have at least one (1) of the following components exclusive of (g)(2) below. A commercial use primary facades shall have at least two (2) of the following components, except that a primary facade with the primary customer entrance shall have at least one (1) of the following components exclusive of the component described in subsection (g)(1) and a primary facade subject to subsection (f) of this section shall have at least two (2) of the following components exclusive of the component described in subsection (g)(2).
 - (1) The primary customer entrance.
 - (2) For parcels less than one-half (½) acre, building base perimeter landscaping shall be planted adjacent to and along the full linear length of the primary facade. The landscaped area shall be a minimum of five (5) feet in depth and shall include shrubs and groundcover with one understory tree planted for each twenty-five (25) feet or fraction thereof of the lineal primary facade, or one palm tree planted for each fifteen (15) feet or fraction thereof of the lineal primary facade. (Understory trees are to be planted no closer than ten (10) feet on center.)
 - (3) Arcades or colonnades a minimum of six (6) feet in width, or other roof treatments that provide shade and break the vertical plane, shall be incorporated along at least fifty (50) percent of the linear length of the primary facade.
 - (4) Display windows a minimum of six (6) feet in height shall exist, along at least fifty (50) percent of the linear length of the primary facade.
 - (5) Awnings associated with windows and/or doors, installed in increments of ten (10) feet or less in length, along at least fifty (50) percent of the linear length of the primary facade.
 - (6) Windows that cover at least forty (40) percent of the area of the primary facade.
 - (7) Any other treatment that, in the opinion of the city's Planning and Development Director, and after consultation, meets the intent of this section.

- (h) A primary facade shall incorporate the screening of outdoor storage of customer shopping carts adjacent to the building. Shopping cart storage areas shall be screened by a wall a minimum of four (4) feet in height. The exterior facade of the screen wall shall be consistent with that of the primary facade.
- (i) Exterior building materials contribute significantly to the visual impact of a building on the community. Exterior building materials shall be restricted on primary facades as follows:
 - (1) Corrugated metal panels, used as a finish material, shall be prohibited. Architectural metal panels are acceptable, subject to consultation and a determination by the city's Planning and Development Director that the treatment meets the intent of this section.
 - (2) Highly reflective or mirror-like materials shall be prohibited.
 - (3) Blacked out or darkened windows and window treatments or uses that obscure clear visibility into and out-of the building shall be prohibited.
 - (4) Smooth-faced concrete shall have stucco or other decorative finish.
 - (5) Backlit awnings and backlit canopies including service station and convenience store backlit awnings and canopies, shall be prohibited, except for those portions of awnings or canopies which may have approved backlit sign copy area.
 - (6) The use of full-depth brick, natural stone, cast stone, terra cotta, pre-cast concrete resembling brick or stone or hard coat stucco as major component of the primary facade with accents of ceramic tile, galvanized steel, glass block, wood, stone or stucco are strongly encouraged
- (j) Secondary facade standards may be deemed wholly or partially inapplicable by the city's Planning and Development Director due to the narrowness and low visibility of the area between the side of the building and the side of the adjacent building, provided this determination may be made only where the side yard is less than ten (10) feet in width, and such determination does not modify applicable landscape and related requirements.
- (k) All secondary facades of a building shall have architectural style, detail, trim features, and roof treatments that are consistent with those for the primary facade.
- (l) Any side of an office, commercial or industrial building visible from and adjacent to residential areas shall be treated in the same manner as a secondary facade.
- (m) For parcels one-half (½) acre or larger, perimeter landscaping planted adjacent to and along fifty (50) percent of the linear length of the secondary facade shall be required. The landscaped area shall be a minimum of five (5) feet in depth and shall include shrubs and groundcover with one understory tree planted for each twenty-five (25) feet or fraction thereof of the fifty (50) percent lineal secondary facade. (Understory trees are to be planted no closer than ten (10) feet on center.)
- (n) A secondary facade shall have at least one (1) of the following components:
 - (1) For parcels less than one-half (½) acre, perimeter landscaping planted adjacent to and along fifty (50) percent of the linear length of the secondary facade shall be required. The landscaped area shall be a minimum of five (5) feet in depth and shall include shrubs and groundcover with one understory tree planted for each twenty-five (25) feet or fraction thereof of the fifty (50) percent lineal secondary facade. (Understory trees are to be planted no closer than ten (10) feet on center.)

- (2) Arcades or colonnades a minimum of eight (8) feet in width, or other roof treatments that provide shade and a break in the vertical plane shall be incorporated along at least fifty (50) percent of the horizontal length of the secondary facade.
 - (3) Display windows a minimum of six (6) feet in height shall exist along at least fifty (50) percent of the horizontal length of the secondary facade.
 - (4) Awnings associated with windows and/or doors, installed in increments of ten (10) feet or less in length, along at least fifty (50) percent of the horizontal length of the secondary facade.
 - (5) Windows that cover at least forty (40) percent of the secondary facade.
 - (6) Any other treatment that, in the opinion of the city's Planning and Development Director, and after consultation, meets the intent of this section.
- (o) A secondary facade shall incorporate the screening of outdoor storage for customer shopping carts adjacent to the building. Shopping cart storage areas shall be screened by a wall a minimum of four (4) feet in height. The exterior facade of the screen wall shall be consistent with that of the secondary facade.
 - (p) Exterior building materials contribute significantly to the visual impact of a building on the community. Exterior building materials shall be restricted on secondary facades as follows:
 - (1) Corrugated metal panels, used as a finish material, shall not cover more than thirty (30) percent of a secondary facade. The same type of architectural metal panels applied to the primary facade are acceptable for a secondary facade, subject to consultation and a determination by the city's Planning and Development Director that the treatment meets the intent of this section.
 - (2) Smooth-faced concrete shall not cover more than thirty (30) percent of a secondary facade.
 - (3) Backlit awnings and backlit canopies including service station and convenience store backlit awnings and canopies shall be prohibited except for those portions of awnings or canopies which may have approved backlit sign copy area.
 - (q) Exterior ground level mechanical equipment, mechanical equipment package units, or related attachments (food freezers, air handling units, and etcetera) adjacent to a residential area or visible from a public right-of-way shall be concealed, hidden by a wall with caps as an extension of the building. When such units about commercial or industrial uses and are not visible from a public right-of-way (i.e., they are not a primary or secondary facade), they shall be painted to match the color of the building.

Sec. 23-1705. - Building design.

- (a) The intent of this section is to promote better architectural design and to create visual interest by requiring minimum design treatments for commercial buildings and projects.
- (b) Both single and multiple-tenant buildings are required to provide a minimum of three (3) of the following building design treatments:
 - (1) An arched, gabled, stepped or decorative parapet with cornice over the primary customer entrance that is integrated with the building's mass and style.
 - (2) Canopies or porticos integrated with the building's massing and style.

- (3) Peaked roof forms.
 - (4) Overhangs a minimum of three (3) feet in depth.
 - (5) Arcades a minimum of six (6) feet in depth wide.
 - (6) Arches or arched forms.
 - (7) Display windows, a minimum of six (6) feet in height.
 - (8) Ornamental and structural details that are integrated into the building structure.
 - (9) Clock tower or bell tower.
 - (10) Sculptured artwork (excluding corporate logos or advertising).
 - (11) Any other treatment that, in the opinion of the city's Planning and Development Director, meets the intent of this section.
- (c) Exterior building colors have a significant visual impact. Accordingly, colors are restricted as follows:
- (1) Building color schemes that use colors that are electric, fluorescent or neon shall not be permitted on the exterior of any building.
 - (2) Building color schemes shall be consistent with the "Commercial/Institutional Color Chart" maintained by the City Planning and Development Department.**
 - (3) A maximum of three (3) colors may be used on the exterior of any building, plus one additional color for trim or cornice work. Where a clear break exists giving the appearance of a separate building, such color scheme may be repeated. These limitations exclude unpainted natural stone or roof material.
 - (4) Graphics, color schemes, or murals shall not be permitted on a building except as may be permitted as a part of allowable signage consistent with chapter 14 of the City of Doraville's code of ordinances.
- (d) Separate ancillary structures (carwash, cashier booths, canopies over gas pumps, etc.) shall have comparable pitch or parapets for roofs and shall otherwise have the same architectural detail, design elements and roof design as the primary structure, including the same cornice treatment, the same materials and colors, etcetera.

Sec. 23-1706. - Roof treatments.

- (a) The intent of this section is to add visual interest, and to reduce massing and screen rooftop equipment, by requiring minimum roof treatments. This section shall apply to all principal uses and to free standing ancillary or secondary uses, such as kiosks, ticket booths, car washes, etcetera.
- (b) Both single and multiple-tenant buildings are required to have variations in the rooflines, and roof features that are consistent with the building's mass and scale. In addition, roofs shall meet at least two (2) of the following requirements:
 - (1) Decorative parapets that are a minimum of three (3) feet in height above the finished roof or that are high enough to block the view of any mechanical equipment or fixtures that are situated on the roof.

- (2) A three-dimensional cornice treatment, a minimum of twelve (12) inches in height, having a minimum of three (3) vertical (not diagonal) changes in plane (no two (2) on the same plane), and a variety of thickness in relief ranging from the greatest at the top to the least at the bottom.
 - (3) Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum fascia depth of six (6) inches.
 - (4) Three (3) or more roof planes per primary facade.
 - (5) A sloping roof height (measured from the top of the supporting wall vertically to the peak of the sloping roof) shall not exceed the average height of the supporting walls. The sloping roof height shall not be less than a pitch of 4:12. However, a pitch of 3:12 may be acceptable depending on the mass and scale and elevations and renderings showing the appropriateness and compatibility of the design.
 - (6) Any other treatment that, in the opinion of the city's Planning and Development Director meets the intent of this section.
- (c) Backlit awnings used as a mansard or canopy roof shall be prohibited in both single and multiple-tenant buildings.
 - (d) Exterior rooftop equipment including any HVAC roof refrigeration equipment or other mechanical rooftop equipment, fixtures or structure (such as hill house, penthouse, or trailer type) shall be concealed from eye-level view from any public right-of-way and from any adjacent properties by a roof or parapet wall extension with caps as an extension of the building.

Sec. 23-1707. - Customer convenience treatments.

- (a) The intent of this section is to provide protection from the sun and adverse weather conditions for customers and employees of commercial businesses. These requirements are not applicable to single-tenant buildings with a gross floor area of ten thousand (10,000) square feet or less, or multiple-tenant buildings and projects with a gross floor area of less than twenty thousand (20,000) square feet.
- (b) Except as provided under subsection (a) of this section, the following customer convenience treatments shall be required:
 - (1) Single-tenant buildings, with a gross floor area of over ten thousand (10,000) square feet or less than twenty thousand (20,000) square feet, shall have a highly visible primary customer entrance.
 - (2) Single-tenant buildings with a gross floor area of twenty thousand (20,000) square feet or more shall have a highly visible primary customer entrance incorporating decorative landscape planters or wing walls that incorporate landscaped areas.
 - (3) Multiple-tenant buildings and projects with a gross floor area of twenty thousand (20,000) square feet or more shall have the following:
 - a. Anchor tenants shall provide highly visible primary customer entrances.
 - b. Decorative landscape planters or wing walls and intermittent shaded outdoor community space shall be provided. Such area shall be located adjacent to the primary customer entrance, or circulation path of the complex.

Sec. 23-1708. - Facade treatments.

- (a) The intent of this section is to provide visual interest to all facades by requiring a minimum level of detail features on facades. These detail features shall not consist solely of applied graphics or paint.
- (b) All facades of buildings with a gross floor area of twenty thousand (20,000) square feet or more shall be required to incorporate at least three (3) of the following facade treatments. At least one of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. All facades of buildings with a gross floor area of less than twenty thousand (20,000) square feet shall be required to incorporate at least two (2) of the following facade treatments. At least one (1) of these treatments shall repeat horizontally. All such design elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.
 - (1) Expression of a vertical architectural treatment with a minimum width of twelve (12) inches.
 - (2) Building setbacks, offsets or projections, a minimum of three (3) feet in depth.
 - (3) Color change.
 - (4) Texture and/or material change.
 - (5) Architectural banding.
 - (6) Pattern change.
 - (7) Any other treatment that, in the opinion of the city's Planning and Development Director, meets the intent of this section.
- (c) Blank wall areas on any facade shall not exceed ten (10) feet in vertical direction or twenty (20) feet in horizontal direction. Control and expansion joints constitute a detail feature only if incorporated as a decorative pattern and spaced apart at intervals of six (6) feet or less. Relief and reveal work depth must be a minimum of one-half (½) inch.
- (d) **Big Box Development:** By encouraging the visual appearance of numerous smaller storefronts, in lieu of one (1) large big box storefront, this subsection is intended to reduce the large visual mass and monotonous exterior appearance typically associated with big box development (defined in section 38-1 of this Code). The standards in this subsection call for individually-peaked, forward-projecting, and vertically-oriented exterior architectural forms and features on street-facing facades and rooflines. Such forms will assist owners in architecturally expressing, on the exterior of their stores, the individual components (e.g., garden, grocery, pharmacy) within their stores. As such, the vertically-oriented, forward-projecting, and peaked components shall incorporate vertical components which serve to interrupt the pronounced horizontal roofline of big box structures and to reinforce the appearance of smaller, individual storefronts.
 - (1) **Building entry finish materials.** Owners shall maximize the amount of pedestrian-scaled windows (avoiding extensive opaque surfaces) along the street-facing facade which contains the primary customer entrance. Furthermore, owners shall utilize smaller-scaled, and darker colored, exterior finish materials (e.g., individual bricks or stone veneer in lieu of light-colored stucco on masonry or pre-cast concrete panels) on the lower portions (the "water table") of big box exterior walls which are adjacent to customer entrance(s), and which flank the exterior pedestrian sidewalk system on street-facing facades. Such darker, smaller-scaled finish materials shall be featured from the sidewalk grade, to no less than four (4) feet above sidewalk grade.

- (2) **Required transparent windows.** Such primary customer entrance facades shall incorporate a minimum of twenty-five (25) percent transparency (windows). The transparency calculation may include the glass surfaces of the customer entrance window system itself. The area of required transparency shall be calculated by multiplying the structure's linear frontage by a height (above adjacent finished pavement grade) of twelve (12) feet. In addition, street-facing primary customer entrance facades shall incorporate an overhead projecting portico, arcade, or colonnade, as described below. Such customer entrance overhead forms shall, at a minimum, extend over the same twenty-five (25) percent transparency area.
- (3) **Transparency alternative; architectural projections.** As an alternative to meeting the twenty-five (25) percent transparency and entranceway overhead form requirements, street-facing facades containing the primary customer entrance shall include covered porticos, arcades, colonnades, or a combination thereof, along a minimum of sixty (60) percent of the horizontal length of the subject facade.
- (4) **The roof plane of such porticos, arcades, or colonnades shall not extend horizontally for more than fifty (50) linear feet without the substantially and proportionately-sized, interrupting vertical architectural forms referenced above.** The face (fascia) of such vertical forms shall project upward a minimum of fifteen (15) feet above the horizontal fascia of the portico, arcade, or colonnade lying below. The highest point of the fascia, or gable, of such vertical projections shall extend upward to a point at least as high as the horizontal roof line (parapet edge) of the big box development's principal structure. Furthermore, such vertical forms shall be no less than twenty (20) feet wide, as measured at the face (fascia) or base of the gable.
- (5) **The covered porticos, arcades, or colonnades shall incorporate the customer sidewalk below with a minimum pedestrian clearance (clear width), between the structure and the supporting columns, of twelve (12) feet.** Such porticos, arcades, or colonnades, and twelve-foot wide sidewalks, shall not replace any required building foundation area landscape planter requirements for primary and secondary facades.
- (6) **Facades which face an adjacent street, but which do not possess the primary customer entrance (i.e., a side street facade), shall provide the above-referenced porticos, arcades, or colonnades, and associated individual roofline vertical projections, along at least forty (40) percent of the street-facing (side) facade.** Such forty (40) percent requirement shall only apply to any segment of a side facade which does not incorporate a garden center decorative perimeter wall system as described in this subsection.
- (7) **Garden center walls.** When a garden center is placed along a street-facing facade, a garden center decorative perimeter wall system may be substituted for the porticos, colonnades, arcades, and vertical form required above. Such garden center decorative wall systems shall be constructed of columns (posts) at least thirty-six (36) inches wide (or thirty-six (36) inches in diameter), and spaced no more than twenty-five (25) feet on-center along the perimeter of the garden center.
 - a. **The columns shall be horizontally interconnected across each of their top portions with a substantial cross member.** The columns or column cap component may extend above the horizontal cross members up to twenty-four (24) inches. Such upper horizontal cross member shall feature colors, finish, dimensions, proportions, and trim details which are architecturally consistent with the adjacent supporting columns and with the big box principal structure. The upper cross members shall be the highest visual component of the wall system, and no other fencing materials, or store merchandise, may protrude above the horizontal cross members. Disproportionate, undersized, or otherwise architecturally incompatible columns or horizontal cross member designs are prohibited. Alternative designs for garden center decorative perimeter wall systems may be approved by Orange County on a case by case basis.

- b. Chain link fencing material, including vinyl-clad or other coated fencing, is prohibited on such garden center walls. Instead, garden center decorative walls systems may infill the gaps between the columns and the upper horizontal connecting cross members, with decorative metal fencing materials (e.g., wrought iron-styled aluminum fencing).
- c. In addition, black fabric mesh, or similarly opaque and approved materials, shall be installed on the interior side of the decorative metal fencing in order to visually screen any materials which may be stacked or stored on the inside of the garden center decorative wall system.
- d. Garden center wall exterior foundations shall adhere to primary and secondary building facade landscaping requirements.

Sec. 23-1709. - Curb stops; building perimeter crosswalks.

- (a) Curb stops shall be required whenever parking facilities directly abut pedestrian walkways.
- (b) Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
- (c) Pedestrian walkways shall be a minimum of five (5) feet wide. Materials may include concrete, brick, or other material as approved by the city's Building and Development Director. Pedestrian walkways through a parking lot or drive area shall be designated or identified by not only painted stripes but also other material or treatment sufficiently to clearly designate or identify them as such. Pedestrian walkways shall be curbed wherever possible. **Textured pedestrian walkways surfaces shall be sufficiently smooth not to hinder walking or the movement of shopping carts or strollers.**

ADDITIONAL ACTIONS FOR COUNCIL

Add to section 23-definitions:

Big box development shall mean an individual retail and/or wholesale commercial establishment (store) with more than seventy-five thousand (75,000) square feet of gross floor area, which may include a home improvement center or a membership warehouse club. The "gross floor area" of such a store includes outdoor storage areas and any outdoor area providing services, such as, but not limited to, outdoor merchandise display, garden supplies, plant display, snack bars, etc. "Gross floor area," however, does not include loading areas. For the purpose of determining the applicability of the seventy-five thousand (75,000) square foot threshold, the aggregate square footage of all adjacent stores which may share either a series of checkout stands, management areas, storage areas, common entrances, or a controlling ownership interest, shall be considered a single commercial establishment (for example, a plant nursery associated with a general merchandise store or home improvement store, or a discount department store associated with a grocery store). The term "big box development" does not include an individual commercial establishment integrated within an indoor mall regional shopping facility.

Delete Article XII – Design Guidelines, Sections 5-321, 5-322, and 5-323 in their entirety.

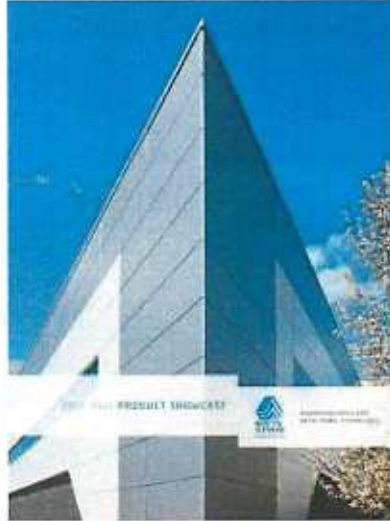
Please see the Commercial Design Standards Handbook for additional information.

Examples of Applications and Use of Metal Architectural Panels

Images from the following link:

<https://www.google.com/search?q=metal+architectural+panels&hl=en&prmd=imvns&tbm=isch&tbo=u&source=univ&sa=X&ei=0-IPULDVJIP69gTtooGoAQ&sqj=2&ved=0CDAQsAQ&biw=1920&bih=879>







Construction of metal panel walls and terra cotta panel walls at McKinley High School, Buffalo, NY

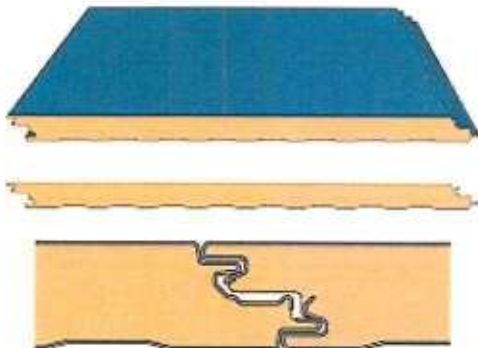
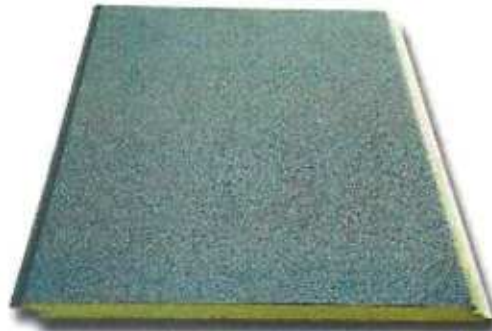
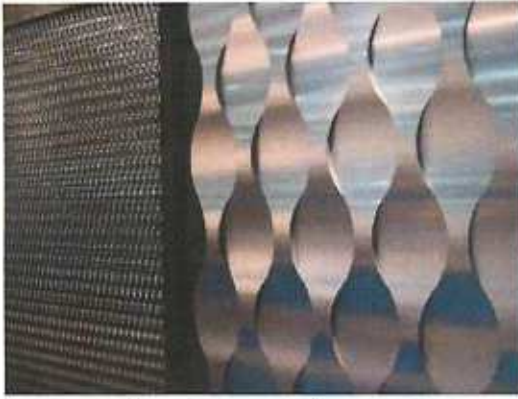


Salem Hospital - Citadel Envelope 2000 RS Rainscreen System











THE CITY OF DORAVILLE
ADMINISTRATIVE BOARD

Subject: Ordinance Language regarding
\$5,000 spending allowance

Date of Meeting: August 20, 2012

Budget Impact: Y X N

Budget Impact Amount: \$ _____

Regular Meeting	(X)
Work Session	()
Recommendation	()
Policy/Discussion	()
Report	()
Other	()

Funding Source:

() Annual

() Capital

() N/A

CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE CITY OF DORAVILLE

Action Requested: Revise current language in Ordinance 2.90 regarding the \$5,000 spending amount that does need Council approval. An example is the language change is:

"Mayor has signing and spending authority for budgeted items, not to exceed \$ _____ within these limits. This spending cannot be used for aggregate services, including the hiring of temporary firms or employees for the City or long-term contracts."

Options: Not change the language

Recommended Action: Change the language

Department: City Council

Department Head: City Council

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DORAVILLE, GEORGIA TO ADD NEW SECTION 2-91, PURCHASING AUTHORITY, TO AMEND THE PURCHASING AUTHORITY OF THE MAYOR; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO ADOPT A PREAMBLE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City Charter authorizes the City to enter into contracts and agreements with private parties providing for services to be furnished and payment to be made for such, and all appropriate rules and regulations to accomplish same;

WHEREAS, the duly elected governing authority of the City of Doraville, Georgia are the Mayor and Council thereof;

WHEREAS, the current bid opening procedures in Chapter 2 of the City Code provide for an RFP process for all expenditures above \$5,000;

WHEREAS, the current authority of the Mayor to sign Agreements of \$5,000 or below needs to be clarified to provide proper parameters for use of said authority;

WHEREAS, the City Council wishes to streamline and improve the efficiency of the purchasing power of the City by clarifying the authority of the Mayor to execute Agreements without approval of Council; and

WHEREAS, the health, safety, welfare and aesthetics of the citizens of the City of Doraville shall be improved and protected by adoption and implementation of this Ordinance.

THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA
HEREBY ORDAIN:

Section 2.

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

	Yes	May
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: **Resolution to Revise SOB License Fee**

Regular Meeting (X)

Date of Meeting: November 5, 2012

Work Session ()

Budget Impact: X Y N

Recommendation (X)

Policy/Discussion ()

Report ()

Other ()

Budget Impact Amount: \$ \$4,650/Sexually Oriented Business

Funding Source:

() Annual

() Capital

() N/A

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The City recently adopted a revised Ordinance for regulation of Sexually Oriented Businesses. The City's current license fee for an SOB is \$5,000 per year. As the regulatory fee for such businesses has to be revenue neutral, it is more reasonable to justify a lower, \$350/year fee for the regulation in order to preserve the enforceability of the regulatory scheme. This Resolution thus revises that fee down to \$350 per license per year.

Options: To adopt this Resolution or keep the fee as it currently stands.

Recommended Action: Recommend adoption.

Department: Legal

Department Head: Cecil G. McLendon, Jr.

Administrative Comments and Recommendation: _____

Action Taken By Board: _____

**RESOLUTION TO REVISE REGULATORY FEE FOR LICENSING OF SEXUALLY
ORIENTED BUSINESSES**

- WHEREAS,** the Mayor and City Council previously adopted an update schedule of fees for all fees assessed by the City by Resolution in early 2012; and
- WHEREAS,** as part of the Schedule of fees, the current licensing fee for Adult Entertainment Establishments/Sexually Oriented Businesses is \$5,000 per year; and
- WHEREAS,** when regulating First Amendment activities, such as adult entertainment, a license fee should be revenue neutral and just enough to merely reimburse the City for the cost of its expenses in maintaining and administering the regulatory scheme; and
- WHEREAS,** the Mayor and City Council find that a license fee of \$350 is currently a reasonable revenue neutral fee to assess on regulation of Sexually Oriented Business licensing.

THEREFORE, BE IT RESOLVED, by the MAYOR AND COUNCIL OF THE CITY OF DORAVILLE that the fee for Adult Entertainment Establishment license on the Fee Schedule shall be amended to \$350/year and that "Adult Entertainment Establishment" shall be referenced on the Fee Schedule as "Sexually Oriented Business."

SO RESOLVED AND EFFECTIVE this ____ day of _____, 2012

Approved:

Donna Pittman, Mayor

Attest:

Sandra Bryant, Acting City Clerk
(Seal)



THE CITY OF DORAVILLE
AGENDA ITEM SHEET

Subject: Agenda Packets

Regular Meeting (X)

Work Session ()

Date of Meeting: November 19, 2012

Recommendation ()

Policy/Discussion ()

Budget Impact: Y X N

Report ()

Other ()

Budget Impact Amount: \$

Funding Source:

() Annual

() Capital

() N/A

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Action Requested: Change the Ordinance to allow more time for Council to review materials for agenda items.

Department: City Council/Trudy Jones Dean

Administrative Comments and Recommendation:

Action Taken By Board: