

Work Session of the Sandy Springs City Council was held on April 18, 2023 at 6:00 PM, Mayor Rusty Paul presiding.

I. Staff Discussion Items

Mayor Rusty Paul called the meeting to order at 6:00 p.m.

A. 2023-104 Development Code Review

Ginger Sottile, Director of Community Development, Lee Einsweiler, Principal, Code Studio Inc.(remote) and, Christy S. Dodson, Associate Principal, Code Studio Inc., presented the Development Code Review.

Director of Community Development Sottile said general policy guidance to our development code is needed on a slate of changes that are up for consideration. To date, City Staff and the Code Studio team have hosted more than 25 stakeholder meetings covering a range of topics. The team met with residents, business owners, Planning Commissioners, electric vehicle and gas station representatives, hotel and hospitality industry representatives, office and medical industry representatives, civic institutions, developers, residential home builders, automotive dealers, attorneys, and others. These stakeholder meetings informed a list of items that require policy direction from the Mayor and City Council. The memo from Code Studio outlines this list and provides a discussion around the general direction needed. Sufficient funding is available in Capital Project CD233 for the Development Code Review project.

Code Studio Principal Einsweiler reviewed gas stations, and discussed three recommendations:

1. Modifying the existing code to allow a new gas station when one or more existing stations are eliminated. That is part of your existing option now but is burdened. We suggest you make it a conditional use permit so there is some ability to condition the activity at the station and manage issues that may be associated with the location of entrances, amount of queuing or, the number of pumps at a new station. All those issues that you might possibly have an interest in could become part of the conversation during approval of a CUP.
2. Allow existing stations with adequate space to add pumps in exchange for site improvements beyond those currently required by amortization of prior standards. Possible improvements include canopy or façade changes, replacement signs and a variety of other options.
3. Allow accessory fuel sales like those at Kroger and Costco, subject to improved standards. These standards may include where on the site it can be to manage traffic and queuing issues. If it is truly an accessory gas station then the principal use is the store and there should be no convenience store associated with the gas portion.

Mayor Rusty Paul said the original intent was in order to create a new gas station you must buy one or one had to disappear. How has that changed?

Code Studio Principal Einsweiler said because of the Conditional-Use Permit (CUP) approval process, you need half mile spacing as the standard. The City may choose to turn one down because it does not meet that standard. With the revision, we are trying to give more freedom to the new station location. It is not taking one down and putting a new station, as that is already allowed. Some of these older stations are smaller and therefore more reliant on their convenience store than they are on fuel sales. We want to switch that paradigm by allowing a new station to go in at a new location without necessarily having to meet the spacing requirement. The City would be considering whether the spacing requirement continues to be appropriate during the CUP process. In certain instances, the City may choose to say that site is not

appropriate and turn down the CUP.

Mayor Paul said the goal five years ago was to take some of the older stations out of circulation. Not one has been eliminated. Not sure we are going to get anything new if you must eliminate an existing station to bring a new one in. We do not want a proliferation, but we need more competition in this area. How do we achieve that?

Code Studio Principal Einsweiler said as you could allow new stations in if you eliminated your half-mile spacing. The half-mile spacing was intentionally drafted so that there would be limited suitable locations for new stations. For example, near I-285 or in some other portion of the community that is highly trafficked, a new station may be appropriate. Giving flexibility on the siting of that new station and allowing it, even if closer than the half mile distance to another station, is more advantageous as proposed than the previous. With the previous regulations we created a monopoly for the existing stations, other than the requirement for amortization of improvements, we gave them no additional incentive to improve their station areas. We are now working on some incentives such as more pumps or complete elimination with the incentive being that new stations would have more flexible locations.

Councilmember Tibby DeJulio said we approved an ordinance five years ago that required stations to upgrade within seven years, but nothing has been done. Can we enforce if they did not upgrade?

Code Studio Principal Einsweiler said there are some stations working with the City to meet their obligations. The City reminds stations annually of the approaching deadline. There is a continuing awareness that a station's right to operate could be taken away through the power of the Zoning Code if they do not meet the amortization schedule. It may become a court case and you would probably win. We are hoping the stations do comply. The changes are somewhat modest and do not involve signage and the look and feel of the façade of the store. They do trim, clean up and make the site safer but that is their primary goal. They are modest and will probably stay as they are today.

Councilmember DeJulio asked what is normal for a city of 110,000? We have a disadvantage because there are hundreds of thousands of people who drive through Sandy Springs on the expressways every day.

Code Studio Principal Einsweiler advised he does not know the normal number of gas stations for a city of 110,000. Sandy Springs' biggest challenge is its location, where an enormous number of people are passing through.

Councilmember DeJulio said with accessory sale items such as food products and cigarettes, there is only one station in the City of Sandy Springs that does not have accessory sales – the Costco on Peachtree Dunwoody.

Code Studio Principal Einsweiler said it can be done. We turn them into gas plus convenience but in a sense that is not fair to what we were originally doing with the spacing and other requirements for stations because this turns them into a full station. We are proposing turning that back down to allow those accessory operations and to make certain that they are not acting like a complete station to put pressure on these other options to deal with some of our problems with existing stations.

Councilmember DeJulio said the gentleman here some months ago said the only way these stations make money is through accessory sales. My office was across the street from Costco which would have about 40 to 50 cars waiting for gas. They must be making money just on gas and they have a business. Are we encouraging other stations to have accessory sale items?

Code Studio Principal Einsweiler said Costco has a very sound pricing model both for their store and gas station that they manage by volume sales. They beat prices on many kinds of things and their gas prices are somewhat related to the convenience that you are already there. Some people are taking advantage of it for that reason, but many are taking advantage of it because it is two, three, four or five cents cheaper than elsewhere. Other stations are taking advantage of location and jacking up the price that is paid for gas because of a particularly desirable location. You are seeing this model play out on both ends of the spectrum. What we are trying to encourage here is to take a different chain instead. If you already have a convenience store like 7-Eleven and want to put two gas pumps there, you could do that and call that accessory sales. If you are Home Depot or its competitors, it would have to be gas only because you do not already have a convenience store although some convenience items may be sold at the cash register. It would not have a standalone convenience store and it would not act like a full gas station. The accessory part is that the pumps are accessory to an existing use.

Councilmember Jody Reichel said she interested in getting competition. Have you considered a code that would allow a gas station to be within a certain distance from an exit off I-285?

Code Studio Principal Einsweiler replied it would have to provide multiple sites. It could not be to the benefit of just one site, provided we offered that option to a set of sites. Location impacts the price of land. If there is only one site near I-285, you would create a monopoly for the landowner and that would not be a fair and equitable model. The identified sites does not have to be available on the open market but there needs to be land area that would be adequate for the site. An old office or old single-family house for instance on a site would be fine but, it must be a site that would be big enough. If the Council is interested in enabling a station near I-285, we can assess parcel sizes and existing use in that area and offer guidance.

Councilmember Andy Bauman asked how does that differ from a conditional use permit where we say yes or no on one site?

Code Studio Principal Einsweiler said we would still use the conditional use permit process to approve the station but you can say the location is available. The conditional use permit is mostly used to look at site elements to shift things around or ensure the quality in each location.

Councilmember Reichel asked how many stations have room for additional pumps?

Code Studio Principal Einsweiler said he is not certain of that number but will look into how many may fit additional pumps.

Councilmember Melissa Mular said the current car industry and presidential administration are moving away from fossil fuels. In 50 years, we are not supposed to be as dependent on fossil fuels and we are addressing a problem that not sure is there. There are 27 gas stations in Sandy Springs. Removing the parking on the requirements would have downstream consequences associated with more traffic which would bring additional road safety issues. We are trying to make Roswell Road into a Boulevard in the future. It would also degrade the neighborhood and city aesthetics to some extent. I would not support a new gas station within City Springs. This is a coveted zoning district. I support the idea of dropping one gas station to add another. Perhaps we can have a condition they do some partial cleanup. I do not support the idea of accessory fuel sales because unlike the drop-one-add-one idea, you are adding to something. From a standpoint of adding two pumps, you are expanding what is already there, I am on the fence with that. With all these issues, the public should also provide input.

Councilmember Bauman asked if we were to do anything can we limit it to certain zoning categories?

Code Studio Principal Einsweiler said yes.

Councilmember Bauman asked does the process include planned stakeholder and citizen engagement?

Kristin Byars Smith, Assistant City Manager, replied yes. We have had some targeted stakeholder and citizen engagement and covered a variety of topics. Once we have the direction that we need we will start drafting these changes and bring those forward for public meetings and public feedback on what we have before we bring anything else back to you.

Councilmember Bauman asked what are the public policy goals we are trying to achieve? We have talked about competition, but what are Sandy Springs customers paying if they may be paying above market prices for gasoline, such that our current policy taxes citizens for fewer stations? If not, maybe it is not a competition issue. Can we ask for data if competition is the point? Citizens need to weigh in on that.

Code Studio Principal Einsweiler said there is a goal to get older stations to step up their game. Their canopies and gas pumps limit the amount of external activities. Not everybody should be able to sell propane for instance and whatever else outside the convenience store. We can consider options for removing some activities from those convenience stores if we consider them problematic and State law permits.

Councilmember Bauman asked do we have enforcement tools for this? We must articulate the very specific reasons we want to do it. We have considered the unintended consequences. There are some antiquated gas stations which may have activities that we do not like.

Mayor Paul stated earlier in the discussion about the ability to enforce our requirements on the upgrading of the stations, it was mentioned we had a stick that would probably end up in court and we would lose.

Code Studio Principal Einsweiler said you would lose if you offered up only one piece of land area. You have the ability in the CUP process in which you have a lot of authority and ability to have many wins associated with looking at a gas station at a point in time at which you are issuing a conditional use permit. As the enforcement mechanism you can take that permit away if they are not meeting their permit conditions. For example, if the permit conditions say no activity outside the building and they have a cage with propane bottles or put soda machines outside the store, these things could be considered a violation of their zoning and you could make them unable to operate. You would not lose on anything associated with your amortization or anything else that you have today. You distance separation for instance might be challenged, but I do not believe you would lose.

Councilmember Mular said for competition, municipalities should not be taking over the free market and how gas prices are set. It is supply and demand. Gas stations next to highways and major arteries are generally more expensive than those that are not.

Councilmember Bauman said he wants to know if it has been argued in the past that there is not enough competition and prices are therefore higher. I agree with Councilmember Mular about market forces, but anytime you get involved with zoning you are interfering with market forces.

Christy S. Dodson, Associate Principal, Code Studio Inc., said she presented development,

redevelopment incentives, and standards considerations. Land costs have increased dramatically along with construction costs, borrowing money. Housing in general has lagged nationally and particularly in the Atlanta region. In general, Sandy Springs seems to have a demand for smaller starter homes for families wanting to move into the area as well as empty nesters who want to downsize from larger homes. Presented are redevelopment incentives and standards outside of the protected neighborhoods.

Code Studio recommends that all 4 development, redevelopment incentives and standards options be implemented.

Option 1: Adjusted Height Maximum and Minimum

- No residential districts allow more than 5 stories as a base height
- Height minimums have presented challenges to redevelopment in Perimeter Center

Recommendations:

- Create several new bonus height options for Residential Multi-Unit and Mixed-Use Districts
- Clarify what must be provided in trade to achieve bonus height
- In and near Perimeter Center, height minimums should be relaxed to encourage redevelopment

There is a market need for more height because land costs are high in Sandy Springs. Currently, for example in Perimeter Center, there are height minimums and a building must be at least a certain height. There are some issues with redevelopment and projects that did not meet that height minimum like medical offices and townhouse developments. By creating several new bonus height options for the Residential Multi-Unit and Mixed-Use Districts, the City would be creating new districts that would have to be rezoned and included may be some more options for getting some additional bonus heights. We have some today that are not used often and we want to think about what are some of the incentives we want to build into those bonus heights in a way that would actually be used. Part of that is clarifying what is part of that bonus height. Is it a higher level of open space? Are there particular connectivity issues or even particular uses on the ground floor? Also, what are the minimum heights in Perimeter Center? Is there flexibility for that type of development.

Councilmember Melissa Mular asked is there a way to make sure that there is proper transition between the new height districts and the existing.

Code Studio Inc. Associate Principal Dodson said there is some transitions now in the code for when a higher intensity district is next to a lower intensity district. It may be part of this discussion if you are putting in new height districts that we may need a few more transitions that would be applied in those areas.

Mayor Paul said one of the things we have been desperately trying to achieve is more home ownership and less rental. If you are bringing in rental, you need to have some fee simple product at a level we all agree. That would be my preference if we are going to add height and know that developers can do it because they are bringing us plans.

Code Studio Inc. Associate Principal Dodson said zoning must be ownership agnostic. There are things we can consider from a design perspective such as ground floor entrances for units that get at a more typical owner-occupied product.

Mayor Paul said yes, but I would be hard-pressed to add bonus height unless I can get that. What are other tools we can use to achieve that public policy goal?

Code Studio Inc. Associate Principal Dodson said one is public dollars putting into the project. You can have different parameters outside of zoning if you are contributing to that project as a City.

Mayor Paul stated we either must buy our way in for housing or they can build whatever they want to. I do not see any benefit in having any height bonuses. Our public policy goal is to increase home ownership. This is what we ask you to review and help us get there. You are basically telling us there is no way to get there.

Code Studio Inc. Associate Principal Dodson said there are other things that bonuses could be considered, such as improved or dedicated open space, plazas, and parks. There are ways to help encourage a home-ownership type of project, but it is legally challenging to make that an explicit requirement. But, for example, if the City helps by subsidizing part of a project, then the requirement of the City helping could be to have a percentage of the project as owner occupied. There are cities that do that quite frequently. It is the easiest way outside of zoning to have a say in what the project development is going to be. It really depends on the market. The easier that process is, the more developers are willing to go through that negotiation.

Councilmember Reichel asked when we are discussing residential multi-units, we are not only talking about rentals but home ownership buildings also?

Code Studio Inc. Associate Principal Dodson said that is correct.

Councilmember Tibby DeJulio asked can City participation be put as a requirement for rezoning that the developer must have for example 5% or 2% or another percentage that can be part of the zoning requirement?

Code Studio Inc. Associate Principal Dodson said that is a legal question.

Mayor Paul said there are other tools available to us such as tax abatements and impact fees.

City Attorney Lee said in a matter of zoning, you cannot require home ownership. Secondary to that would be a contract, many times in the form of an abatement, whereas the City or the Development Authority takes ownership of an adjoining property or a companion property and as part of the abatement contract the developer agrees to a certain amount of home ownership attached to it.

Councilmember DeJulio asked can abatement of planning fees that be used towards that?

City Attorney Lee said some impact fees are waiveable under the law and in that contract you could negotiate for home ownership separate and apart from the zoning law.

Mayor Paul said you could do some tax abatements through the Development Authority for up to about 10 years. I would prefer this than a direct outlay to a developer which is going to be problematic, like a gratuitous law unless we get something back like a park or open space. Why can we not negotiate that to get the height bonus? How do you qualify for the height bonus?

City Attorney Lee said this is a matter of zoning and is not negotiable for quid pro quo. Height bonus is set it in the ordinance by adding allowances for mixed used as we did in the north end section. You can do things with mixed use that you cannot do with just apartments. You have retail with it and you tie it to other parts of the zoning.

Councilmember John Paulson said one of the stated goals is to encourage home ownership. Height bonuses are interesting, but I am not interested if it does not encourage homeownership. By striking a deal with a developer and becoming part owner in a facility, the City dictates to our developer-partner that there must be some fee simple there. It will be interesting to know how many developers say that sounds like a great idea and want the partnership. I do not mind getting the project started, but I do not want to be in the landlord business. When a project gets to a certain stage, and the City gets its money back out of it but, does that mean the City's requirement for fee simple property ownership disappears because we are no longer owners? In terms of height bonuses, I do not care about going from 5 stories to 6 or to 7, but am I concerned about going to 20. How is a height minimum a barrier to development? All we are hearing about is to build bigger and higher and yet we have a height minimum that somehow is keeping somebody from developing because they do not want to build to that minimum.

Assistant City Manager Smith replied the Perimeter Center is an area where we have taller districts and some of those may require 6 stories as a minimum. We had cases where a developer was interested in putting a townhome on the site but did not meet the 6-story minimum requirement. The City has done some adjusted minimum heights to have a certain percentage on a site that might allow for one building but, that would not allow for a whole array of town homes. We can use the new North End Mixed Use district (NEX) as a case study for how we use bonus height. For instance, we have a 5/6 zoning district there with two options. To receive the extra story bonus height, a project has to provide retail on the ground floor or provide affordable units within the development.

Councilmember Paulson said but no ownership aspect is part of that.

Assistant City Manager Byars Smith said that is correct. With the NEX District there is a 25 single-unit minimum which could be an attached townhome or cottage court home for instance. The unit type is a type that is more common to be owner occupied.

Councilmember Melody Kelley said we currently define single family attached as side-by-side attached, not stacked. Is there any benefit to redefine or expand the definition of attached single family?

Code Studio Inc. Associate Principal Dodson said the definition allows for condominiums but would also allow for a rental product. The reason we are considering a bonus is because developers felt like they needed that five to six or seven bonus to develop any housing. It is hard to develop at the base and you need to get that bonus to put any sort of housing in, which is a prerequisite for you to have conversations about putting the public dollar in to get that owner occupancy unit. You need the housing to pencil out and make sense for that to happen. We have heard that the bonuses really help with that and is something to think about. Another is mix of uses and we can define what that is. It is an incentive that has been built into the North End Plan and could be built into this new district by creating that requirement for a mix of uses on the on the ground floor.

Councilmember DeJulio asked when you define mixed use, can we add a definition of owner occupancy within the definition of mixed use?

Code Studio Inc. Associate Principal Dodson replied no.

Councilmember Jody Reichel said the Bluestone has retail on the bottom with condos on top. Are there instances where other cities have built buildings like that, and they own the retail part of it and developers develop the condos on top?

Code Studio Inc. Associate Principal Dodson said yes there are times when the city wants to own that retail for a variety of reasons. They may want to encourage more small businesses or local businesses and are subsidizing that rent.

Councilmember Reichel asked would that allow us to say that it must be simple right if we have that?

Code Studio Inc. Associate Principal Dodson replied yes it would.

Councilmember Bauman said we have lost the idea of workforce, first responders and maybe people in healthcare. Are we not having that policy discussion as to whether those bonuses would be applicable to meeting those standards? If you start getting into seven and eight stories, regardless of our concrete steel code, that is going to default by the international building code into concrete steel. We can impose design and development standards that at the very minimum place these into renter by choice. We are talking about renter by choice housing that gives people options. We are probably in a housing shortage and that is the projection, particularly for inner suburban locations. Provided we check the boxes on things like traffic environmental, green space and other issues remain concerned about fractured ownership of multi-family projects. I am not necessarily favoring rentals, but there are some unintended consequences and I have seen that fracture ownership can lead to problems with long-term care of buildings as it relates to capital funds assessment. In my district we have some fractured ownership multi-family where they cannot even fix trip hazards. There is some virtue in common ownership when the pension fund of the state of North Carolina, the State of Washington, or Georgia is a major owner of these \$300,000 to \$400,000 per unit buildings. You tend to get market decisions to take care of those buildings versus the fractured ownership. I want to have the full menu of options. There are some real benefits of ownership we can acknowledge about people being settled in the community. When we are talking about large, dense multi-family eight-story, you are addressing other needs with these kinds of projects. There is one path of a dollar investment, and the other path is to be a discussed policy. We are not going to get low density housing on these sites but there are many opportunities.

Code Studio Inc. Associate Principal Dodson presented Option 2: Improved Outdoor Amenity Space

Improved outdoor amenity space standards can ensure that the production of new housing contributes to site improvements.

Recommendation:

- Add details about required elements in outdoor amenity space

There are current outdoor amenity space requirements today that must meet certain landscaping design criteria but, we can also consider adding either incentives or requirements for specific elements which can be tied to these bonus incentives or, you can consider certain improvements to just the base requirement that is required for any of these mixed use or residential projects. Examples include fountains, trees, outdoor seating or gathering space in a more mixed-use context which could potentially be more appropriate in a multi-unit context and, higher design level of lighting. There can also be some incentives for sport courts such as pickleball.

Councilmember John Paulson said the community expressed dissatisfaction with the results of the current code requirements. Are the dissatisfactions because we were not specific enough?

Code Studio Inc. Associate Principal Dodson said that is her understanding. The community felt like there was not enough intentional open space that could exist on the edges of the site and was not

particularly programmed or designed well enough. In addition, it does not incentivize sport courts, dog parks, or playgrounds for example.

Councilmember Melissa Mular asked do we have current code issues with developers putting in private spaces versus public spaces? For certain developments, districts, zoning etc., is there consideration we would have a percentage of the amenities be public versus private, to make sure that we get some public access?

Code Studio Inc. Associate Principal Dodson said that is something we put into the code. Sometimes we will allow for that publicly accessible amenity space to count for more square footage towards the required amount. This may count 1.5 or 2 times to incentivize as much of that space to be publicly accessible as possible.

Councilmember Melody Kelley asked how many developments have we had on parcels with height bonuses as options since the code was adopted in 2017? Not every zoning district has an opportunity for a height bonus. How many opportunities were there in the past and the number of developers that turned it down?

Assistant City Manager Byars Smith said we have not had anyone take advantage of the height bonus option since we adopted the code. A couple of projects we had were under conditions prior to the adoption of this code. Staff will confirm how many projects how many opportunities there were in the past and the number of developers that turned it down.

Code Studio Inc. Associate Principal Dodson presented Option 3: "Concrete and Steel" Flexibility

The concrete and steel requirement in the Development Code has created a significant barrier to the development of structures between 4 and 5 stories, leading to either 2 or 3 story buildings or no development.

Recommendations:

- Clarify allowance for new technologies (such as mass timber) by referencing the 2021 International Building Code (not yet adopted in Sandy Springs)
- Eliminate requirements for Type I or II construction for buildings more than three stories that exceed 100,000 sf, as allowed by the IBC:
 - Improved standards for fire risk during construction (adopted)
 - Improved design quality of building facades and amenity spaces (proposed)

Councilmember Melissa Mular said the Aloft Hotel at Barfield Road and Mount Vernon Highway is an example of where we need design standards that consider the existing neighborhoods and buildings. There are two residential buildings and one office building. Other nearby developments have a similar look, and when those were being built the developer worked very closely with the nearby urban neighborhoods to make sure that different things happen. They fit in, unlike the Aloft. I am a proponent of having design standards that are not overbearing.

Mayor Rusty Paul said it is rather stark when you drive pass it.

Councilmember Jody Reichel said she agrees with **Councilmember Mular** that we need to raise our standards on building requirements as far as appearance. Can we tie the elimination of steel and concrete

into the fee simple products?

Code Studio Inc. Associate Principal Dodson said not in zoning.

Councilmember Reichel asked does it matter what zoning district you are in? If you are doing a for sale product you do not have to use steel and concrete. Can we say that for every zone?

Code Studio Inc. Associate Principal Dodson said that is potentially a building code question.

Councilmember John Paulson asked is there a reason the State has not adopted the 2021 IBC?

Code Studio Inc. Associate Principal Dodson said generally the State of Georgia waits a couple of years because sometimes, with any code, there are some unintended consequences that come out in a couple years. Georgia is usually 3 to 5 years behind.

Councilmember Paulson asked what were the significant changes in the 2021 IBC from the earlier one that addresses some of the concerns we expressed earlier? In the past, on a number of projects we made the developer build to condo standards. Is making developers build to condo standards one way of addressing the quality of the housing that is being built going forward?

Code Studio Inc. Associate Principal Dodson said this would be a building code question.

Mayor Paul said we had several developers tell us they were going to build their units to condo standards so they could be converted at some point in the future, but I am not sure if it is part of our code.

Assistant City Manager Smith said she does not know if there is a difference in the IBC code but will speak to the building official and provide the information at a later time.

Councilmember Jody Reichel stated she is ready to do away with concrete-steel but hoping to tie it to the owner occupied.

Mayor Paul said he is fine with trading concrete-steel for mass timber but is not in favor of going to stick-build totally. We need to be a little bit more flexible. There were a couple of reasons why we did what we did when we did it.

Code Studio Inc. Associate Principal Dodson presented Option 4: Office to Residential Conversion

Current buildings in Office Mixed-Use Districts or other parts of the City may be appropriate for conversion to residential use.

Recommendation:

- Allow for conversion where floor-plate size/depth makes it possible

Councilmember John Paulson said turning an office building into a condo is not easy but an intriguing idea. I want to understand how this gets done and make sure we consider all the unintended consequences that may potentially come up.

Code Studio Inc. Associate Principal Dodson said great point. We are already considering adequate transitions that could be applied. Other considerations are parking, or redevelopment versus new.

Councilmember Melissa Mular said my fear is that after we put in the right restrictions code for the districts so that zoning codes could be residential, like the mixed use at Perimeter, a developer will buy an office complex or building and raze the building or turn it into all residential thereby circumventing the rezoning process to get residential. Since the original intent was office would we be able to put a percentage requirement that a minimum must remain office?

Code Studio Inc. Associate Principal Dodson said that is a possibility of something we can build in.

Mayor Paul said the City will see a wide variety of ideas and suggestions. It may not just all be residential but could be some other uses as well. We must try and anticipate that.

Councilmember DeJulio asked can we do the conversion process under conditional use permits to have some say into what people are doing and look at some of the unintended consequences? We can then negotiate with them on using a half or a third of the building, for example, and decide if it will work for us.

Code Studio Inc. Associate Principal Dodson said residential in this district could be a conditional use permit. But keep in mind if it is too unpredictable then very few people, if any, will pursue that.

Councilmember DeJulio said they may at least pursue a conversation to find out whether they want to invest the time and the money to come up with the plans to find out if we would even consider that project. There are a lot of old buildings around and that may be the only salvation for some of them. To buy some of these office complexes and tear them down, you are talking about incredibly expensive dirt and it might be a different way to do that.

Code Studio Inc. Associate Principal Dodson presented Other Proposed Revisions to be Developed

Parking standards

- There are opportunities to reduce the amount of required parking without substantial impact
- The current parking standards do not always do an adequate job of requiring parking structures to be screened from view

Councilmember Mular said we need to start building for more Rideshare areas for pick-up and drop-off. That is the future as we get to a more walkable environment.

Councilmember DeJulio stated he supports screening structured parking in residential areas.

Councilmember Kelley asked to what extent is parking as a use defined? There may be some abuse of that particular use. Are you aware of any city with a development code that details what constitutes parking?

Code Studio Inc. Associate Principal Dodson said there two types: parking that is an accessory use and a separate use if it is a standalone use on that parcel and not accessory to anything. We do go into where you can park if you are parking on a parcel, the types of screening you must have to adjacent properties for instance. The challenge can sometimes be with existing non-conforming parking lots being used as such. It can exist as non-conforming until improvements are made but, if starting to use as a parking lot, this must go through the permitting process and be brought up to the standards of the code. This includes landscaping, screening, and paving requirements. It would be a zoning violation if someone casually started parking on a parcel. The permit process and improvements must be completed to comply with the zoning code.

Councilmember Jody Reichel stated though the City of Sandy Springs is not a walking city we should require adequate amounts of parking in any of our developments.

Code Studio Inc. Associate Principal Dodson continued to present Other Proposed Revisions to be Developed

Electric Vehicle (EV) Charging Stations

- Existing standards for parking lots will continue to require a percentage of spaces be “EV Ready” and we can continue to expect applicants to choose to provide chargers
- Limits on the location, numbers, and advertising area on charger stations

Councilmember Paulson stated the market should decide whether an EV charger goes in a parking lot. Also, electric vehicle charging screens used for advertising should not be the guise of an EV station to turn it into a billboard.

Councilmember Reichel said shopping centers should not be required to have EV stations but, we should require new apartments and hopefully the older ones. People living in apartments should be able to charge their cars at night because that is the best time for them. Would love for us to figure out how to encourage some of the office buildings that do not have EV stations to provide them.

Code Studio Inc. Associate Principal Dodson continued to present Other Proposed Revisions to be Developed

Street Types

- Code Studio will work with Planning and Engineering staff to codify agreed-upon new street types and revise existing street types

Minor Changes in Protected Neighborhoods

- Revise standards to ensure access to rear yards is available (could lead to loss of trees, so require replacement once work has been completed)
- Allow extension of garages on existing homes into front yard setback for modernization provided that single-door openings are provided

Councilmember Mular asked what is the hardship as it exists today for this prevention of development?

Code Studio Inc. Associate Principal Dodson said some older ranch homes may be 8 or 10 feet of the lot line with not enough width to provide construction access and get equipment in the back to do the proper protections for stormwater and everything the code requires. The hardship to do improvements on the back of an existing structure and there is no interest in changing it.

Councilmember Mular asked how many permits or variances were denied because of the current code?

Ginger Sottile, Director of Community Development said we have not denied any applications. They need to show that their project meets our requirements, and they typically do. During the process of doing all the work we may have them correct it and sometimes we issue notices of violation or citations. In some instances, it makes more sense to have through lot access as it may be better to come from the other

side where we typically will not allow somebody because of this rule or regulation. It is not protecting as many trees as we hoped. The goal was to keep a natural buffer back there but because some of the lots are so small there is not enough room for them to get in there and get everything they need to do done. About 30-40% of people would benefit from us allowing them this flexibility in that back area. Also have plant restoration regulations as we currently do not have.

Councilmember Mular asked would this be something where they must replant based on the options of certain types of tree species we provide? Is there a way of relaxing the code to get people to comply?

Director of Community Development Sottile replied we can put that in the code. We review the existing vegetation before they start and, they replant to match what was taken out. It is easier to not comply. Right now, there are no consequences if somebody goes into that back area. We would ask them to take it out and regrade because we cannot tell them to do anything other.

Councilmember Bauman said one of the complaints over the years is people are tearing down older homes and replacing it. Does this make it more conducive for restorations of existing homes and perhaps salvaging them for some more years? Is this the possible outcome from this?

Director of Community Development Sottile said this is possible.

Councilmember Bauman said the existing tree ordinance is not going to change because of the issue on the trees. The issue of people tearing down trees on their own property is one thing, but the more troublesome issue is your disturbance of critical root zones. None of that will change. If you are going to impact a certain percentage of a critical root zone on your neighbor's property, you will have to deal with that like any other situation. Also, if one of our goals is to encourage home ownership and to encourage younger families to move into the community, we need to look at the whole range of options. It is a conflict because there is something to be said for the newer homes. I am a believer in property rights and where we can encourage, or at least not get in the way, of folks remodeling homes and we would end up with a good policy outcome.

Councilmember DeJulio asked regarding single door openings, are you putting an additional garage alongside it with a single car? These days three and four car garages are a big thing. Are we forcing people to go from a double door garage to a single door garage?

Code Studio Inc. Associate Principal Dodson said this was an example of the design parameters that could be put there. When you put double or multiple doors in the garage it must be larger to accommodate the car and the space between the garage doors. They have a traditional look with carriage house features, but the goal is minimizing the garage door perception and emphasize the front door. A single door garage helps do that and is an example of something that could be built in.

Code Studio Inc. Associate Principal Dodson continued to present Other Proposed Revisions to be Developed

Flexibility for Research and Development Uses

- Will explore potential for defining a new use category that allows for research and lab facilities that are primarily an accessory to offices
- Will also consider where this use may be appropriate in existing districts

Mayor Paul said there have been several labs around the City where research is going on. What are the

barriers and what are we trying solve?

Code Studio Inc. Associate Principal Dodson said this is in your office mixed use districts and primarily making sure we allow that as either an accessory use or a. An example may be the redevelopment happening on the west side of Georgia Tech which is their new biotech facility. It is a mix of office space, biotech labs and maybe there is a residential component.

Councilmember John Paulson said the media reports biolabs can be dangerous. Do we regulate what labs can do in our city?

Code Studio Inc. Associate Principal Dodson said that is usually controlled by the health department and there is a differentiation between wet and dry labs. Generally anything beyond a wet lab is controlled by the health department. This may be one you have suggestions and can continue to deliberate on.

Finally, there are needed technical revisions to the Development Code that do not affect policy but would improve clarity.

Councilmember DeJulio stated some home offices mean you or me sitting doing our business, but others are using it for interstate commerce for instance. Have we considered the implications and how they affect our residents?

Code Studio Inc. Associate Principal Dodson said a lot of communities have. The City of Sandy Springs home occupation definition today is common. It is limited to one working in an office and may be allow to have one regular visitor or employee. Warehousing or shipping would be a violation of the zoning ordinance and should be reported.

Mayor Paul stated the recent ARC board meeting had some astonishing statistics. There are 25% of Atlanta metro area employees who currently work from their home.

Councilmember Kelley asked can a parking area for business be regulated when used outside of business hours?

Code Studio Inc. Associate Principal Dodson said she would need to research how it would relate to the current code. In the definition of parking that could be considered a commercial use of parking if it is being rented out to another entity. The issue with that is it is very challenging to enforce because you are getting into regulating private parking agreements.

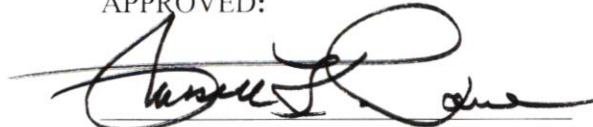
II. City Council Discussion Items

There were no City Council discussion items.

There being no further business, the meeting adjourned at 7:50 p.m.

RESOLVED this 16th day of May 2023.

APPROVED:



Russell K. Paul, Mayor

Attest:



Raquel D. González, City Clerk
(Seal)

