

Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 18, 2015, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Spike Anderson, Temple Emanuel, offered the invocation.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:05 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

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

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

1. **15-318** Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for August 18, 2015. Council Member Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **15-319** Meeting Minutes
 1. August 4, 2015 Regular Meeting
(*Michael Casey, City Clerk*)
3. **15-320** Acceptance of the Agreement to Grant and Acquire a Non-Exclusive Temporary Construction Easement and a Non-Exclusive Temporary Driveway Easement for the T-045 Roswell Road @ Windsor Parkway Intersection Relocation Project
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2015-08-98
4. **15-321** Resolution to Approve Real Estate Acquisition Agreement between the City of Sandy Springs, Georgia and Sandy Springs City Center, LLC Concerning Property Commonly Known as Sandy Springs City Center Development Property in Sandy Springs, Georgia
(*Wendell Willard, City Attorney*)

Resolution No. 2015-08-99

Motion and Vote: Council Member Paulson moved to approve the Consent Agenda for August 18, 2015. Council Member Sterling seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Rezoning

5. **15-322 201501168** – 6615 and 6565 Glenridge Drive (aka Ashton Woods MBUSA), To rezone the property located at 6615 and 6565 Glenridge Drive, Sandy Springs (tax parcel ID #170034LL0120, #170035LL0608, #170035LL0237, and #170035LL0913) from R-2 (Single Family Dwelling District) to MIX (Mixed Use District) with a concurrent application for a Use Permit for increased heights, and twenty (20) Concurrent Variances related to the proposed development of detached single family homes, townhouses, condominiums, apartments, commercial space, and office space

Assistant City Manager Jim Tolbert presented the Glenridge Drive (Ashton Woods / MBUSA) PowerPoint Presentation slides 1-16.

Transportation/Traffic Unit Manager Brad Edwards presented slides 17 – 26 of the presentation.

Assistant City Manager Tolbert finished the presentation with slides 27 – 38.

Carl Westmoreland, representative of the applicant, asked what the time limits will be for public comment.

Mayor Rusty Paul stated the applicant will be allowed to speak for up to twenty minutes. There will be a minimum speaking time of thirty minutes for those in support of the application and a minimum time of thirty minutes for those in opposition to the application. Each person will be allowed to speak for a maximum of two minutes.

Carol Westmoreland, representative of the applicant, stated he represents Ashton Woods and that Mike Busher with Ashton Woods is also in attendance. Mr. Tolbert and Mr. Edwards did a good job explaining the application. This property was owned by the current owners before Abernathy Road was built. His first involvement with the owners came before the application was filed and before Ashton Woods became the buyer. The first thing he was asked to do was to look at the variety of proposals that were received for the property, which was about fourteen. He was asked to consider the proposals in light of what might reasonably be expected to be approved by the City. The other proposed uses and densities were substantially above what Ashton Woods has proposed in this application. The Ashton Woods plan is by far the most reasonable plan. Looking at staff conditions and density with regards to commercial, retail, residential and any other component, this application is lower than all of the other proposed applications. Before the application was filed, Mercedes Benz representatives approached him with their headquarters proposal. Their plan is consistent with the development tract and the GA400 corridor. Ashton Woods changed the plan prior to submitting it to the City in April due to the enthusiasm for the quality and impact of Mercedes. The balance of the plan is thoughtful and sensitive. There was input

from the community to create greenspace, on the north tract and for it to be publicly assessable. In order to give the community more assurance for the greenspace the applicant has agreed to dedicate the greenspace to the City when it is developed by Ashton Woods in a couple of phases. This plan has been discussed with City staff and the Sandy Springs Conservancy. There were many other conditions added to the plan with the help of staff and some of them were from the suggestions of the neighbors after the Planning Commission meeting. The park is unique and an important part of the legacy that Caroline Mayson and her family wish to leave to the City.

Caroline Mayson, 600 Abernathy Road, stated she is the owner of the Glenridge property located at 600 Abernathy Road and 6565 Glenridge Drive. For the past eight months Ashton Woods, Mercedes Benz, and herself have been working hard to obtain zoning approval from the City. It has been a long and challenging process and she believes the mixed use community that is being proposed will be a long term asset to the City. It has always been her wish to make some of her property available for everyone's enjoyment. Now there is a way to create a new almost fourteen acre public park for the City. It will encompass many of the finest parts of the Glenridge Estate and include walking paths in mature forests along beautiful streams and a lake. Someday these paths may connect with adjacent properties. This new park will be built by Ashton Woods and donated to the City. Access to the park will be made permanently open to the public. Many of the neighbors have voiced their support for the overall development plan. It will be a lovely community and a coveted place to live and work in Sandy Springs. Some of the neighbors oppose the plan and a few vocal people seem willing to deny her the right to sell her property for what it is worth. Those neighbors' demands have been unreasonable and unfair. The application being voted on tonight is environmentally sensitive, has minimal impact on the neighborhood, and is overwhelmingly good for the health and prosperity of the City. She asked that the Council approve the application.

Ellen Smith, representative of Mercedes Benz, stated this has been a long process and they appreciate the effort that staff has put into this application. She introduced the team members from Mercedes: Michael Zielinski, PMO for Relocation; Michael Fithian, Head of Corporate Real Estate; and Marco DeSanto, General Counsel of Mercedes Benz.

Marco DeSanto, General Counsel for Mercedes Benz, stated currently Mercedes is located at 303 Perimeter Center North. Mercedes is excited to be a future member of the Sandy Springs family. The company is prepared to start the next chapter of their iconic brand and they want to do it in Sandy Springs. The process of selecting Sandy Springs and this piece of property was a long and winding one. For Mercedes it has been well over one year and many thousands of man hours involved in selecting not only the State, but where to be located within the State. The company looked at a dozen places in and around the Atlanta area in Buckhead, Midtown, and North Fulton. It was ultimately decided to locate in Sandy Springs for a number of reasons. The quality of the City is obvious. Highway access in the City, MARTA access, and a tremendous sense of community were important in the decision to purchase property here for the headquarters. Important to the company is the ability to own the property rather than lease it. The Sandy Springs guiding principles of honest, efficient, and responsive were important to Mercedes as they have similar principles. The company is looking forward to being an active corporate citizen in the City. This plan has been in process since January 2015 with the property owner, Ashton Woods, and City staff to develop and present a project that will be a showplace in the City. Mercedes Benz engaged a world class architect to realize the vision, to showcase in brick and mortar a Mercedes Benz tradition of history, culture, and vision for the future. He thanked the City staff on behalf of Mercedes Benz. They have shown dedication and spent a lot of time and effort in working on this proposal. All throughout, staff has shown dedication and professionalism in all matters. The City lives up to its promise of its ideals of honest, efficient, and responsive. As part of the Mercedes Benz vision for the headquarters, it will be a facility that is at home in Sandy Springs. As part of being at home in Sandy Springs, Mercedes Benz is considering a number of options intended to help relieve the congestion in the area. These include staggered working hours for employees and options to make MARTA more

accessible for the employees and visitors. Mercedes Benz is committed to continuing to work with the City and the State of Georgia to help alleviate and resolve some of the traffic issues we experience here in Sandy Springs. Additionally, like any employer, they recognize the great benefit of having a mix of housing opportunities available to their employees, especially those that are in proximity to the headquarters. They believe this place represents a mix of housing that will potentially be a benefit to their employees. As a part of Mr. Tolbert's presentation, Mercedes understands that infrastructure improvements take time, which may take a few years. In order to provide some relief in the area, Mercedes Benz does agree to delay the construction of the Phase II project until the earlier of the completion of the Abernathy interchange project or January 1, 2021.

Mayor Paul stated the rules will be different than normal for public hearings at Council meetings. Normally, each side is given ten minutes to make their presentation. Council knows how important this is to the community and we want to make sure people on both sides have an opportunity to be heard to the fullest extent possible. The rules of procedure are 1) the cards will be read in the order in which they were turned in to the City Clerk and 2) each speaker will be able to speak for up to two minutes and be able to finish your sentence when the buzzer is heard. He will touch the gavel and the Clerk will invite the next person to the podium. The thirty minutes for each side will be divided into two fifteen minute segments. Those in favor will be allowed fifteen minutes to speak, those opposed will be allowed fifteen minutes, those in favor will speak again for fifteen minutes, and those opposed will be allowed to speak again for fifteen minutes. After the thirty minute speaking time, the applicant will be allowed to speak for rebuttal. The public hearing will then be closed and Council will deliberate. He knows this room is divided significantly. The demeanor of the audience makes him proud. The audience has acted with respect while having obvious emotions. He hopes that all will conduct themselves with the decorum that has been shown for both sides at this point tonight. We are all neighbors and he hopes all will behave as neighbors. Whatever Council decides, about fifty percent of those in this room will walk away disappointed. That is the nature of local government and decision making at this level. There is not a single Council Member that would not like to be able to send everyone home happy and loving Council and the Mayor, but that will not happen. He is appreciative of the fact that the citizens have acted as adults.

Trisha Thompson, Sandy Springs Council of Neighborhoods, stated the opposition has engaged an attorney and he is scheduled to be the first speaker. She asked if he can be allowed to speak for more than the two minutes.

Mayor Paul stated as long as the other public speakers know that time will be subtracted from the total amount.

Ms. Thompson stated the other public speakers are aware of this and fine with it.

Steve Levetan, Conservancy of Sandy Springs, stated he is the Chair of the Sandy Springs Conservancy and on behalf of the Board he offered comments regarding this project. First, this property has special meaning and significance to the Conservancy. It was on this property nearly fifteen years ago that the Conservancy was born. It was on this property that we held countless meetings and fundraisers as have many other nonprofit groups. We are forever grateful to the Mayson/Glen family for the sharing of the property with the Conservancy and the community over the years. We are concerned about the sale and private development of this property. We were interested to hear from the developer that their intent was to provide some public access and trails on the property. Intent is good, but it is imperative that the intent is backed up by the commitment of guarantees. After several discussions with the developer and seller, what is before Council this evening is the translation of that intent into a clear set of zoning conditions. These are enforceable conditions that outline thirteen to fourteen acres of public greenspace in addition to the required landscape sidewalks along all public right-of-way. This greenspace will include the pond and area between the Abernathy Road entrances and a connected network of public trails to be

constructed by the developer. The park will then be deeded to the City in a timely manner. This assures both greenspace and public access, no ifs, ands or butts. The Conservancy understands there are impacts with this, as with any development. We are pleased that in this case there will be significant public benefits. The Conservancy's mission is to build partnerships to create and connect parks in the City.

Linda Bain, 2370 Kimbrough Court, stated she is the Executive Director of the Sandy Springs Conservancy. She is in support of the park included in the Ashton Woods zoning package. A condition of zoning is that the public park and trail will be constructed at the developer's expense and deeded to the City in a timely manner. The park and trail system is about fourteen acres and will be for public use. To put this in perspective, this area will be half the size of Big Trees, which is the City's largest park. We would like to see this kind of project set the standard for the greenspace in the future for residential and commercial development in Sandy Springs. We are also very hopeful this project could provide a planned trail system that was a vision long ago along Marsh Creek to connect areas around this project to the Sandy Springs Tennis Center. This is not a stretch of the imagination to see these green assets as part of an emerging network of parks, walkable trails, and sidewalks along the Abernathy Road corridor connecting to Abernathy Greenway and the Playable Art park, spurring north to the river and south to City Center along Johnson Ferry Road, and reaching up Brandon Mill to Lost Corner Nature Preserve. Think of the connectivity when we are able to bring Path 400 out of Buckhead into Sandy Springs. Assets like these enhance the collective property values, recreational opportunities, and quality of life.

Carolyn Axt, 105 River Landing, stated she is speaking as a community volunteer. She encourages Council's vote to approve the application as filed. For years, the City has encouraged individual parcels of property along major corridors to be developed with synergy and connectivity. Here is a major employer and a variety of housing options. The project will support a higher end retail sector and all elements are within walking distance of each other with easy access to GA400, bicycling, and walking distance to MARTA. The public park component adds additional greenspace and connectivity. Demand for housing supports the highly sought after Sandy Springs business community. She supports housing people close to their work and reducing the need to drive a car through the City to get from home to work. Aging apartment complexes have attracted larger families with children, sometimes causing overcrowded classrooms in the schools. The rental units proposed in this plan are targeted at millennials and empty nesters. The amenities and high end rents of one to two bedroom units are not desirable for larger families. The location as part of a unique high end development and close to so many large major corporations will demand that they remain well maintained and updated many years into the future. The seller received offers of much more money with higher density and less sensitivity to the land. We are fortunate that those proposals were rejected. This development will be attractive, sustainable, preserve a good deal of greenspace and be a real asset to the Sandy Springs community now and into the future. She shudders to think what this property could look like with high rise businesses on a majority of the land and the traffic that would generate. This project will provide quality residences that attract young professionals that want to rent long term close to work centers where there are high end restaurants, gathering spaces, and greenspaces.

Cheri Morris, 4940 Long Island Drive, stated her husband and her, their three adult children, and four grandchildren all make their homes in Sandy Springs and are very active civically. She is speaking in support of the land plan for the Glenridge property. There are concerns among some about the apartments, but she feels otherwise. One of the City's major problems is a lack of up to date 21st century housing for young professionals and empty nesters. There is an explosion of job growth at the central perimeter area of high end white collar jobs. The young workers are making their homes in the cities that surround Sandy Springs and not in our City. This means they will eventually put down roots, buy their homes and raise their families in those other cities. They will do their shopping and dining out in those other cities. They will do their volunteer work in those other cities. She suggested not continuing to block them from doing that in Sandy Springs by virtue of our inability to provide them reasonable up to date housing. While we do not want apartments scattered throughout the residential neighborhoods in the

City, this site is the right location for the housing density needed to meet the demands of the Perimeter office market. This area is next to a MARTA station and adjacent to a GA400 entrance exit ramp. The subject property is surrounded on three sides by busy streets and it will help keep car traffic down as most of the trips going to work and even shopping will head east from here. If not on sites like this, where will we place young people who hold the bright future of the City in their hands? The major employers at the Perimeter are not connected to Sandy Springs, because they do not live here. We are opposite of a bedroom community, which is where you work and don't live. Therefore they do not spend their money here, but only work here. She asked to bring the corporate citizens into the City.

Susan Riley-Hayes, 245 Wing Mill Road, stated she is the President of High Point Wealth Advisors. She has served many clients and small business owners locally in the community for over twenty years. She moved to Sandy Springs thirteen years ago and in that time she has married, had three children, and moved her practice from Buckhead. She purchased a commercial building in the Morgan Falls office complex two years ago. She is a member of the Sandy Springs United Methodist Church, a board member of the Sandy Springs Perimeter Chamber of Commerce, and is the current chair of the Small Business Council. Small businesses like hers make up eighty percent of the Chamber memberships. In a recent survey conducted by the Small Business Council the number one focus of local business is to grow and expand. The Mercedes Benz and Ashton Woods project will create new jobs for our community. This means lots of new jobs for our customers and for our current small businesses. It will produce significant tax revenue for the City, allowing us to fund many of the projects that are important to our residents like parks, sidewalks, and bike trails. The growth is here and in many ways is a symptom of our proximity to MARTA and Atlanta. Today we are in a unique position to shape that growth in a way that reflects and preserves our values for generations to come. She asked Council to approve the application.

Hank Nix, 459 Carlwood Lane, stated he lives in Sandy Springs with his wife and two year old daughter. He is in attendance on behalf of fifty-nine Sandy Springs residents on this petition. After learning more about the vision of the project, this group is in full support of keeping the number of units at 350 or more.

Chris Burnett, 6115 Rivershore Parkway, stated he serves on many committees, but most notably the Sandy Springs Perimeter Chamber of Commerce. He is here to speak on behalf of the Chamber in support of the project. There are over 9,000 businesses in the City and thousands more in the Greater Perimeter area. This project offers incredible financial opportunities for those businesses. Mercedes brings thousands of skilled jobs to our community and hundreds of millions of dollars in infrastructure and construction that are a game changer for Sandy Springs. The neighbors are concerned, as we all are, about traffic and congestion. Sometimes no growth is worse than growth. He was doing research on Montvale, New Jersey, the current home of Mercedes Benz. Over the last twenty-five years Montvale has grown by about 1,000 more people. At the same time, the property taxes have increased, prompting many companies like Mercedes, Hertz, Rousch, the maker of Bubble Wrap, and others to leave to go to other communities that are more tax friendly. He found a newspaper headline recently in New Jersey that read "In the latest in a stream of corporate departures from North Jersey, Mercedes is moving to Atlanta leading to the loss of up to 1,000 jobs. In the meeting held to announce their move, the mood was very sad and horrible." Council has a tough decision to make tonight. If this project is declined and Mercedes makes the decision to take their headquarters elsewhere, there will be thousands of business owners and thousands of residents who will be denied the economic boom that this project will bring to our community. He does not want to pick up a newspaper in a few weeks stating the City turned down the project and it was a sad and horrible day for Sandy Springs. The Chamber supports this project and he asked that Council do the same.

Andrea Settles, 7664 Auden Trail, stated she owns a business in Sandy Springs, but tonight she is talking as a resident. She is in support of the development. She believes that Council and Caroline Mayson are taking measures to make sure the decisions have the City's best interest at heart. The saddest

part of the conversation for and against has been the name calling by some directed at the owner of the property and the thoughts of recall of the City Council. Caroline is a young woman whose family lived in Glenridge Hall for years and she wants to sell the property. The upkeep has been a major burden to her and after all, it is her property, and she is entitled to sell it. None of us would want to be told that we cannot sell our property even though we are adhering to all the guidelines. The elected officials give up their personal and professional time to guide the City during an important period through our City's growth and she thanks them for that. Many plans have been presented to the owner. The project presented by this developer appears to be the best. A corporate partner like Mercedes along with high end residential, greenspace, and retail seems to be the best neighbors possible. The developer and City Council are fully aware of traffic and density concerns and are prepared to design what will have the least impact on our already busy roads. Traffic will happen no matter what is built. She would rather have a say in her neighbors than have the court make the decision, because the City could not. As a commercial mortgage broker there is no question that the hot market we are in today will dwindle if we do not allow smart growth. People want to move into the City and we should be proud and mindful of right growth and this is right growth. Having Mercedes and Ashton Woods join the community is a good thing. Mercedes, along with many Fortune 500 companies calling Sandy Springs home, are very giving to our residents, small businesses, and to nonprofits in addition to creating jobs, an opportunity to provide high quality housing and increasing tax revenue.

Mayor Paul called for public comments in opposition to the application.

Hakim Hilliard, 260 Peachtree Street, Atlanta, GA stated he is with the Hilliard firm. There are approximately 1,500 homeowners who oppose this project. He has known Mr. Levetan, who spoke on behalf of the Conservancy, for many years. The plan is beautiful, but he does not think his clients have been heard. A series of conditions were presented to the applicant and they responded they could not support most of them. We have heard staff react to those conditions, but there has been no dialogue. Some of us are confusing dialogue with presentations. There is a legal objection to the project. For those that support the project, they do not endorse not following the City of Sandy Springs Code of Ordinances. Mr. Tolbert spoke about the objection that was raised at the Planning Commission that the project should not be considered as one project when it is actually two projects, per the Code. There can be several parcels of land that are interrelated and be one project. In this situation, this is two different parcels bisected by a public right-of-way. He cited the Code at the Planning Commission meeting which states a sole project includes buildings or structures planned and designed as an interdependent unit together with all accessory uses, utilities, drainage, access and circulation, and facilities which are built in whole or part. That is what a project is. What is here is two projects. There is no argument that they are interdependent. If you look at what a parcel or development site is under the City's ordinance, the definition is a lawful unit of land identifiable by a single deed established by a plat. No part of the right-of-way, road, or crosswalk may be included. It is real clear to him that the law is not being followed in this instance. When the project reaches the development stage, staff will review the project as one development site and that cannot be done, incorporating Abernathy Road. Code Section 103-60 b. states that staff is required to do that as part of the review of this project. This technical error is significant because staff has reviewed the density for the overall seventy-five acres. That is critical to the south tract. If only the south tract is analyzed, then the adjacent nearby uses would be dramatically different. Staff's recommendation is flawed, because they reviewed the application inappropriately. They should not have looked at the property in that way. The applicant's counsel, Mr. Westmoreland, got upset and stated it was done this way because staff told them to do it. During Council Member Sterling's public meeting held last month, staff stated they did it because they have done it this way before. He confessed he did not research this issue very closely, but he can assure Council there is no law that responds to what the Code says by saying we did it before and we did it because you said we should do it. The Code is very clear that this cannot be done. He asked Council to honor the Code. Because of that, we find that staff's findings are not reliable. He submitted a letter to the City Clerk. He mentioned Mr. Greg Murray at 570 Glengate Cove and Mr. Miles Cohen at 810 Glengate Place. These two homeowners are located

immediately adjacent to the development site and will be uniquely damaged by the approval of this project. He will also present a letter that includes the preservation of the neighbor's constitutional objections.

Matt LaMarsh, 485 Heritage Way, stated he represents Mount Vernon Woods HOA consisting of about 250 homes, 500 voters, and about \$1 million in the Sandy Springs property tax base. This project is inconsistent with the City's Comprehensive Land Use Plan. The plan is supposed to be a collaborative plan between the City and its citizens to determine predictability. Time, effort, and money went into developing the Comprehensive Plan. What is to say the new Comprehensive Plan that is being developed will be followed? The City was formed based on the principle that the citizens wanted a local government to represent our interests. Our interests and beliefs are what make this City great. Our needs, values, and wants allow us the chance to find balance, reason, logic, and moderation in this project and others like it. Unfortunately, there are leaders in this community that do not live here. He lives in Sandy Springs. Several members of senior staff have voiced their support of this project and they do not even live in the City. Up until this evening he heard of only one neighborhood that supports this project. He has twenty neighborhoods and over 200 letters in opposition. This is the largest project in the City's history of ten years. The community has been silenced by this process. No community input was given and contrary to popular belief, what has been presented tonight was just presentations. The neighbors are not against apartments. They are against apartments that lack strategic and logical approach. The number of 400 apartments on the south parcel is not strategic. There is no insight and no connectivity. He asked when someone will stand up for this process.

Frank Marro, 875 Glengate Place, stated unlike the fifty-nine people scattered around the City who support this project, he is one of the many hundreds who live close to the project who do not support it. The neighbors support Mercedes. People have said if the project is not approved, Mercedes will not come to Atlanta. Supporting Mercedes does not mean we throw out the whole Comprehensive Land Use Plan or neighborhood concerns. We want Mercedes, but we want it to be done right. The other argument he has heard is that if the project is not approved, every other application to the City will have greater density and be worse. That is the argument that has been heard from multiple people many times and it does not make sense. He has never met Ms. Mayson, but he believes she is trying to do the right thing. However, she will not be living here. She has talked about how great the north parcel is and great the parks will be. The neighbors think the north parcel is designed very well and Mercedes is fine. It is the south parcel that people are pretending is part of the north parcel that the neighbors object to. The south parcel is too dense and not consistent with the plan. Mr. LaMarsh stated there has been no compromise by the community. The developer has made many meetings, but they were all presentations. Staff specifically prohibited a use on this property that the community embraces. Senior housing is a use that the community is willing to compromise on and accept. Staff clearly did not listen to the community.

Steve Berson, 715 Glenair Drive, stated he has lived in the City for more than ten years. He is a member of the Board of Directors of the Aberdeen Forest HOA. Others this evening will address issues regarding the specifics of this project and the lack of community engagement. In light of the time constraints, he will limit his comments to one question. As part of these proceedings, please tell us before you vote on this matter if you would vote the same way if this project was being placed across the street from where you live. If you would not vote the same way, then please tell us why.

Paul Gillespie, 500 Glengate Cove, stated he has lived in his current home for ten years. The Council's decision this evening is not about Ashton Woods or Mercedes. It is about whether Sandy Springs will remain the City of choice for corporate headquarters in the south. It goes without saying that any major corporation places high value on good community relations. No corporate leader wants to bring their employees into a hostile community. Tonight Council is not just deciding a rezoning case, you are setting the standard for housing in Sandy Springs to be perceived by the next perspective corporate company that decides to relocate. Make no mistake, the audience of corporate leaders will be watching closely. Sandy

Springs is blessed with educated savvy citizens that understand the benefits of attracting major corporate headquarters. As tonight's turnout shows, even the most corporate friendly communities have their limits. How you balance this developer's request for the last dollar of profit against the concerns of the neighbors will determine whether Sandy Springs residents remain friendly to corporate relocations. How you strike that balance will set the course for the City for years to come. Tonight Council is at a crossroads. Down one road leads to a briar patch of bitterness, lawsuits, and protests that will end up with television clips of local residents lying in front of dump trucks at the Mercedes construction site. That is not the kind of image you want to project to corporations looking to relocate. Down the other path lies a reasoned compromise with a community that supports Mercedes for the foreseeable future.

John Lentini, 780 Glengate Place, stated he is the Gates of Glenridge HOA President. Over the past several months he has participated in conversations regarding the development of the Glenn property. This started with the board members, residents, and now more than a dozen homeowners associations representing 1,500 plus Sandy Springs households. There is wisdom in crowds. What is troubling him the most is that while there is overwhelming community opposition to the proposed rezoning, the City Council does not seem to be listening, and Ashton Woods has not engaged with the community in meaningful dialogue. Even Mercedes Benz is noticeably absent, which is odd for a company with a respected iconic brand. One would think good community relationships would be important. This may explain the recent sentiments away from Mercedes that he is observing. It is the people in the community who have reached out to Ashton Woods with specific zoning conditions, multiple suggestions for alternative uses, and multiple requests to meet to come to terms with the use of the property. The whole scenario can be summed up with a movie line in the movie Cool Hand Luke. The line states, "What we have here is a failure to communicate". You have heard from Mr. Hilliard about constitutional objections to the application. We believe there is sufficient economic harm to create a strong legal base to challenge the rezoning. We have also heard from several residents regarding the extreme density on the south tract. The south tract is thirty-one times the density over the existing zoning, six times the density over future land, and nearly three times the density of the north tract. The rezoning request for ninety feet is 225% over existing height limits and changes the character of an owner occupied neighborhood. The neighbors are not against development, but instead are against extreme development. He requested that Council defer this rezoning for sixty days to allow for dialogue between Ashton Woods, Mercedes Benz, and the community.

Mayor Paul called for public comments in support of the application.

Suzanna Brown, 5415 Northland Drive, stated she has lived in Sandy Springs for twenty-two years. Prior to that she had a twenty something year career in different cities across the country. In the late 1980's she lived in Princeton, New Jersey, before moving to Atlanta. During that time the community was fighting the government about expanding US 1. The US 1 corridor was expanded and after a period of two to three years there were quite a few major businesses that moved into that area. Johnson and Johnson Pharmaceutical Company moved to the area as well as many others. She has previously lived in a community where she has seen progress such as what is being proposed tonight and she believes in it. She is not representing the Sandy Springs Perimeter Chamber, but she does work for them. In her capacity as Membership Director she is in the community every day. She talks to small, medium, and large businesses and they are thrilled this project is being presented.

Robert Shaw, 295 Glenlake Drive NW, stated former Mayor Eva Galambos, who birthed the City, considered this the garden spot of the world and that everyone should want to come here. As a resident of Sandy Springs since 1971, he agrees with her. He is elated that Mercedes Benz has chosen to move its U.S. headquarters to the City and provide 900 good paying jobs for the community. Every other state in the union would love to have this economic giant in its city, but yet it chose Sandy Springs. In order to acquire the giant, we must make preparations for them and this includes the site for the organization as

well as housing for those employed there. This means rezoning actions so the preparations for Mercedes can be completed. He requested that Council approve the application.

Karen Trylouch, 221 Spalding Gates Drive, stated as a twenty-five year resident, a business owner, and very active community volunteer, she supports the Ashton Woods project. She lives in a neighborhood adjacent to Spalding Woods. She travels in the area on a daily basis and this impacts her. She is proud of the manner in which this project has been thought out. The project will deliver the best possible scenario to protect the City's resources, bring in high profile jobs, appeal to the millennials to live and work in the community, and to increase the tax base. She loved Glenridge Hall. As an event planner she worked and attended many events there, but sadly it is gone. This proposed plan is a great compromise and it certainly could be worse with another Avalon development which would bring in more traffic and no greenspace. Change is good and the impact and repercussions of not approving the project are frightening.

Patty Conway, 8690 Hope Mews Court, stated she is in favor of the project. On behalf of a lot of the citizens of Sandy Springs she apologized to Caroline Mayson. The venom that has been spewed at her over her right to sell her own property is very sad.

Fred Jewel, 1520 Bakers Glen Drive, stated he is the President of the Bakers Glen HOA. He is the Executive Director of JB Consulting, a midsize management technology and consulting firm. The business is located across the street on the other side of GA400. He is also a business owner with his wife and their consulting firm. He serves on the Executive Committee and Board for the Perimeter Chamber of Commerce and is a board member and coach for Sandy Springs Youth Sports. One of the biggest successes in the history of the City is the announcement that Mercedes Benz will move here. Mercedes is the kind of company that reinforces the City's position on the global state. Mercedes employees will create demand for housing, recreation, and other products and services. The company will create a philanthropic environment in the City. As an HOA member and member of the Chamber, he balances concerns about the standard of living over the needs of businesses. Economic development is completely dependent upon this balance. The ability to attract great companies is dependent on a high quality of life. Parks, manageable traffic, and the ability to live near work is what attracts companies and residents. Yesterday, he polled his neighbors about the rezoning request. Over fifty percent of them have responded already and 100% of those that responded are in favor of the project. This is a good plan. The project is within walking distance of MARTA and a couple blocks from GA400. The project will include greenspace with walking and riding trails. The housing options will be great for those to walk or bike to work. To continue to attract great companies and jobs to our City, we need to accommodate this type of reasonable zoning request. He asked that Council approve this plan.

Mike Sullivan, 7525 Bridgegate Court, stated he would like to read an email that he sent to Council Member Paulson. The purpose of Mercedes Benz is that it is a world class company and brand name with a very strong interest in local affairs. It is very supportive of the local community everywhere it has a presence. We need more companies like Mercedes Benz and not fewer. The impact Mercedes Benz already has on Sandy Springs is significant. Its CEO has been to numerous meetings and luncheons for local businesses and civic communities. The number of high paying quality jobs it is bringing to Sandy Springs is immense. We could not ask for a better corporate citizen. When Mercedes announced it was moving to the City, it was like a dream come true. They did not choose to be inside the Perimeter and did not choose Alpharetta, Johns Creek, or Cobb County. The business friendly environment here is a treasure which attracted Mercedes Benz and something we should value very highly. Not approving the Mercedes and Ashton Woods project would destroy the years that Sandy Springs and the citizens have spent building a business friendly environment. This also makes Sandy Springs a City where our children want to return to after completing college. Rejection of the project will send the wrong message to the world in a resounding way. He requested that Council vote in favor of the project.

Kathryn Seabolt, 5000 Rebel Trail, stated she operates a small business at 5457 Roswell Road. She is very familiar with the Sandy Springs traffic. All three of her sons were raised in the City and attended Riverwood High School. She has been a member of many community civic and religious outreach organizations. She is concerned that she might be the only person representing the many citizens and homeowners who still need a job and income. She lives in a large and lovely home, but the only reason she lives there is because many residents patronize her small business. She requested that Council approve the proposal. In recent weeks she has asked the residents if they are speaking out about the proposal. They are not, because they did not know that this is not an approved project. They believe this project is already well underway. The residents are looking forward to the opportunities that they might have to expand their businesses or get new jobs. Her three sons are coaches, IT software developers, and one is a family therapist. None of them can afford to live in Sandy Springs. She hopes that Council approves this project, so her sons might be able to afford to live here one day.

Bob Lepping, 330 Francyne Court, stated he is in favor of this development. He and his wife just moved to Sandy Springs recently and they are excited to hear about the project and growth in the City. Coming from a major city he thinks Sandy Springs needs to move forward with this project. He was raised in Detroit and it pains him that they never diversified and we all know where that city is today. He suggested to not let that happen to Sandy Springs. He requested that Council move forward with this project.

Mayor Paul called for public comments in opposition to the application.

Robert Stein, 3520 Piedmont Road, stated he is in attendance on behalf of the Autumn Chase HOA, is a community of 172 homes along Barfield Road. Autumn Chase worked with developers, members of Council, and City staff when a parcel across from the neighborhood was redeveloped. In every instance there has been compromise. The result is the area is low rise and low density with high quality. The neighborhood supports Mercedes Benz and he asked that Council fulfill its commitment to its citizens to follow its Comprehensive Plan. In staff's report the current zoning of the property has a reasonable economic use. Autumn Chase asks if this rezoning is approved that the construction traffic be prohibited from using Barfield Road between Hammond and Mount Vernon and from Mount Vernon Road between Barfield and Glenridge. The density needs to be reduced and this application is not one the neighborhood can support in its current state.

Stacy Howlin, 600 Glenridge Close Drive, stated she is here to explain why her business and family are leaving Sandy Springs. She spoke to Ms. Mayson and stated her family is in favor of her selling her land and feels that she has been a good citizen. She serves on a board with the Governor of Georgia that promotes international businesses and she works for an investment bank. Mercedes is a welcome partner, but Ashton Woods is not welcome here. She organized the only meeting held with the community and Mr. Busher was clear there would be no compromise. The fact that the community has had to resort to legal counsel to have our concerns heard is frustrating. The arguments are valid in which the neighbors have sought a minor level of compromise on density and traffic, both of which are choking the small businesses, and her business is choosing to leave the City. Ms. Mayson is choosing to leave the City. She is choosing to leave because twenty percent of her neighborhood is for sale. Her husband cannot negotiate his business two blocks from what is now going to be an enormous development. They are also moving because she feels their views and concerns have not been taken seriously. The neighbors have been rebuffed and denied. She hopes that Council will approve this project, but at a more scaled down version.

Arlene Adelman, 555 Spalding Drive, stated she is a member of the HOA at Spalding Woods. To the speaker who said this will be a sad ending if Mercedes does not move to the City, he should welcome the thousands of Cox members who have entered on Peachtree Dunwoody Road, State Farm, and the new building in Glenlake. For the people that are worried we won't get the millennials, there are plenty of

apartments being built on Hammond Drive. All of the new development adds to the problem of traffic. She is not naive enough to think that Mercedes is not coming, we know they are. Welcome Mercedes, but Ashton Woods is a problem. Mr. Tolbert never answered why combining the parcels of land was a good thing. Mr. Edwards in the Public Works Department is laughable. When she drives from Peachtree Dunwoody Road to Spalding Drive everyday it takes her between twenty and forty minutes to drive 3 ½ miles. There will be more traffic and homes values will decrease. Mercedes Benz, welcome to the neighborhood Ashton Woods; go away, go far away. We are not interested because Ashton Woods has not submitted a good proposal. She thanked Ms. Mayson for what she is trying to do, but it is not up to her, it is up to Council what will happen with the property.

Richard Kaye, 410 Glenridge Close Court, stated he lives between Abernathy and Mount Vernon. His community will be impacted by this development. Perception is everything. The application process and project has been a farce from day one. In every public meeting or session Ashton Woods never had a discussion with residents or accepted any input from the residents. The plan was presented as a done deal. It was the best they could do and no negotiation would even be considered. Just like President Obama, they know what is good for us better than we do. The neighborhood either accepted the Ashton Woods deal with their density or Mercedes was going to walk away from the deal. The perception of unfairness and that this was a done deal came from the Planning Commission. The Planning Commission was unwilling to listen to the residents. They were condescending and argumentative. A majority of the Commission members did not take the time or effort to understand the application, plan, or affect it would have on the traffic and daily lives of the residents that surround that project. As one Commission member stated, who am I to challenge the recommendation of my staff. That is exactly what the Commission is supposed to do, and they did not do it.

Mayor Paul called for public comments in support of the application.

Sean O'Toole, 1605 Saddle Ridge Way, thanked City Council for the time they allowed for the public to speak. He is a resident of Sandy Springs and his business is located on Abernathy Road. He lives near the proposed development and passes through the intersections about four times a day. He left the military in 1996 and moved to Atlanta with no money, no job, and in need of an apartment. At that time he got a job off of Abernathy Road and looked around the area to find a place to live. He chose Post Dunwoody, which is in Sandy Springs. He chose the apartment because it was close to his work and had a small trail and public greenspace. He understands the loss of the greenspace and the aggravation it will cause if this project is not passed. He totally supports this project. Few developers are able to take on a project this large. The community should rally around the project and make it possible. An apartment surrounded by a park, near MARTA, and a retail center, will allow the project to raise the standards for the City. He hopes the Council ensures this project is successful. Even if it results in increased density, he requests the application be approved.

Mr. Westmoreland, representative of the applicant, stated this has been a very difficult process. As these processes often are, there are a lot of disagreements at the end of the process and he is sorry that an agreement could not be reached more often. He appreciates that staff addressed the conditions, some of which were presented by the opposition and some that were incorporated into the final conditions. Mr. Hilliard discussed the fact that the application was split into two parcels and the primary effect disguised the density the applicant was asking for. He referred everyone to condition 1. in the staff report. The density of for sale units is 8.25 units an acre. The office density is 6,000 square feet per acre and the multifamily is 5.7 units per acre. The density is still dramatically lower than what staff receives from applicants on a daily basis. Mercedes Benz decision to locate in Sandy Springs is following market trends. Sandy Springs is just like the other viable areas of Metro Atlanta. The area will continue to change by growing and attracting many businesses. The conditions do a good job of accommodating the office development and the residential development. The applicant has tried being responsive and staff

certainly has been. He asked that Council approve this application with the conditions that were presented.

Mayor Paul closed the public hearing.

Mayor Paul thanked everyone in attendance for their behavior this evening. There is a tremendous amount of emotion in this room. All of Council would love to send everyone home happy, but there is no way to accomplish that. The support and opposition is split about 50/50. The manner in which everyone conducted themselves should make everyone proud of this community. It shows that we can disagree without being disagreeable, and that is a hallmark of a great community.

Motion and Second: Council Member Sterling moved to approve Agenda Item 15-322, Rezoning Case 201501168, 6615 and 6565 Glenridge Drive to rezone the property from R-2 (Single Family Dwelling District) to MIX (Mixed Use District) incorporating Community Development staff conditions, including the approval of concurrent variances 1 – 17, denial of concurrent variances 18 – 20, and approval of 3 Use Permits, and in addition to the staff conditions, the conditions outlined below as Additional Proposed Conditions A through I, with the date on condition e. amended to January 1, 2022, and condition f. amended to “Silva cells shall be used for tree planting and stormwater management when appropriate and practical as agreed to by the developer and the Sandy Springs Director of Community Development.” Additionally, the apartment density shall be no more than 355 units. Council Member Paulson seconded the motion.

Staff conditions:

Zoning

1. To the owners’ agreement to restrict the use of the subject property as follows and the rezoning shall be subject to the following conditions, which shall apply to the entire Project in the aggregate:
 - a. For sale residential uses, including detached homes, townhomes and condominiums at a maximum density of 8.25 units per acre in the aggregate or 625 units, whichever is less.
 - b. Multifamily residential apartment use at a maximum density of 355 units. There shall be no multifamily residential apartment use on the north side of Abernathy Road.
 - c. Office and associated accessory uses at a maximum density of 6,028 square feet per acre or 456,600 square feet, whichever is less.
 - d. The attached and detached townhomes shall have a maximum building height of 50 feet.
 - e. Commercial uses (consisting of neighborhood commercial uses with a mix of retail, restaurant and personal services uses) at a maximum density of 501.64 square feet per acre or 38,000 square feet, whichever is less. Commercial uses on the north side of Abernathy Road shall not exceed an aggregate of 8,000 square feet.
 - f. The following uses are prohibited: Church, Temple or Other Place of Worship; Funeral Home; Group Residence/Shelter; Nursing Home/Hospice; Personal Care Home/Assisted Living; Rooming House; Boarding House; and Stadium.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on July 2, 2015. Said site plan is conceptual and must meet or exceed the requirements of the Zoning Ordinance, the Development Ordinance, and these conditions prior to the approval of any Land Disturbance Permit, except as otherwise expressly modified by these conditions or any concurrent use permit or variance.
3. To the owner's agreement to provide the following project development standards:
 - a. The minimum design standards are:
 - i. Minimum Yards:
 1. Exterior Project: The front, side and rear yards along the exterior Project boundaries shall be 20 feet.
 2. Interior Project: The front, side and rear setbacks for the townhomes will be zero feet. The detached single family lots shall have a minimum 5 foot side yard setback and a minimum 10 foot rear yard setback.
 - ii. Minimum heated floor area per dwelling unit:
 1. Apartment and condominium: 700 SF
 2. Townhome, detached and attached: 1,500 SF
 - b. At least 30% of the property (inclusive of the park area) shall be maintained as greenspace.
 - c. The owner/developer shall not be required to move any existing transmission poles on the north side of Abernathy Road.
 - d. Proposed Street and streetscape design shall be consistent with the proposed thoroughfare sections identified on Sheet 2 of the site plan received by the Department of Community Development on July 2, 2015 subject to approval of Public Works. Roadway sections shall include curb and gutter per Section 103-79 of the development ordinance.
 - e. Direct pedestrian and bicycle access shall be provided to public street frontages from internal development streets at intervals of 300 to 500 feet.
 - f. The proposed east-west street between Glenridge Drive and Barfield Road shall be designed to public street standards and shall not be gated from Glenridge Drive eastward to the western property line of the Mercedes property. All property owners, residents and employees on the southern tract shall have access to both the public and private portions of the street.
 - g. Accommodate future inter-parcel access on the north tract at the northern and eastern property line to provide for future connection to Glenlake Parkway or Glenridge Drive and on the south tract at the southern property line.

- h. Developments shall provide bicycle parking based on use type.
- i. Site shall comply with condition of the Georgia Regional Transportation Authority notice of Decision for DRI #2492, Attachment A:

Attachment A – General Conditions

General Conditions for GRTA Notice of Decision: Development Intensity and Use

- Provide a mixture of residential and non-residential uses.

Road Connectivity

- Provide a direct road connection between Glenridge Drive and Barfield Road.
- Provide road connectivity between all site access points on each of the north and south parcels.
- Provide a stub-out on the north tract at the eastern property line to allow for a future connection to Glenlake Drive.
- Provide a stub-out on the south tract at the southern property line to allow for a future connection to the south.

Access Management

- Site Driveways #1 North and South are limited to right-in/right-out access only.
- A maximum of 1 full movement intersection along Abernathy Road is allowed.
- Internal intersections must begin at a minimum of 100' from Abernathy Road, except Site Driveway #1 North to accommodate stream buffer requirements.

Pedestrian and Bicycle Facilities

- Provide sidewalks along all road frontages.
- Provide direct pedestrian connections between all uses.
- Provide sidewalks on both sides of all internal roads, except alleyways and the extern loop road on the north parcel.
- Provide bike racks at all retail, office, and multi-family building entrances.

Roadway Improvements to the GRTA Notice of Decision

The following are to be completed by full build out of Phase I of the ORI:

Glenridge Drive at Abernathy Road

- Provide an additional northbound left turn lane on Glenridge Drive.
- Provide a southbound right turn lane on Glenridge Drive.

Abernathy Road at Northern Site Driveway #2/ Southern Site Driveway #2

- Provide a traffic signal, if and when warranted.
- Provide a dedicated westbound left turn lane along Abernathy Road.
- Provide a dedicated eastbound left turn lane along Abernathy Road.
- Provide a westbound right turn lane along Abernathy Road.
- Provide an eastbound right turn lane along Abernathy Road.

Glenridge Drive at Southern Site Driveway #4

- Provide a southbound dedicated left turn lane along Glenridge Drive.
- Provide a northbound right turn lane along Glenridge Drive.

Barfield Road at Southern Site Driveway #5

- Provide a northbound dedicated left turn lane along Barfield Road.
- Provide a southbound right turn lane along Barfield Road.

Concurrent Variances

1. Section 4.23.1.B to eliminate the 50' rear zoning buffer required along the southern portion of

the south tract abutting the A district and replace it with a 10 foot landscape.

2. Section 12B.4 to modify the streetscape required on Glenridge Drive to reduce the 2' planting strip for a portion of the roadway frontage. The streetscape on Glenridge Drive may be adjusted as requested, with the 2' planting strip to be reduced (and potentially eliminated) for approximately 400 feet commencing approximately 750 feet from the northwest right of way intersection of Glenridge Drive and Abernathy Road and continuing north along said right of way to a point that is approximately 1,150 feet from such intersection.
3. Section 33.26.E(2) to increase the number of allowable wall signs for the Mercedes Benz USA office building from two to four.
4. Section 33.26.E(1) to allow a total of eleven (11) monument signs for the Project as identified on the site plan.
5. Section 12.B.9.B.1.a of the Suburban District Standards to eliminate the requirement for individual floors within the proposed office buildings to be delineated as the building will have an external glass curtain wall.
6. Section 12.B.9.D.2 to allow a steel gate at the loading dock for the office building located between the office building(s) and the parking deck,
7. Section 12.B.9.D.3.c to eliminate the requirement for a decorative parapet or cornice along the flat roof of the office buildings,
8. Section 18.4.4.c to allow the office building parking deck to have a difference exterior finish than the glass office building(s). Sections 12.B.9.B.1.a, 12.B.9.D.2, 12.B.9.D.3.c and 18.4.4.c shall not be applicable to the Phase I or Phase II office buildings to be developed on the Project.
9. Section 103-76: The minimum design speed may be reduced from 25 mph to 10 mph for alleys and 25 mph to 20 mph for internal streets.
10. Chapter 103 Article XI: Alleys will not be designed to the public street standards per Section 103. Instead, Alleys will be designed to AASHTO standards for a 10 mph speed limit, with a minimum 30 foot easement and a 16 foot pavement width provided that if an alley is needed for fire access, the alley will have at least a 34 foot easement with a minimum 20 foot pavement width.
11. Section 103-72(c): Residential units or lots served by an alley with alternative fire access shall not be required to have public or private road access.
12. Section 103-73(a) and 103-77(a): The minimum 80 degree angle requirement shall not be required at either intersection along the portion of the road located to the north of the existing pond on the North Site. Both intersections shall to be 3-way stop controlled in all directions and meet requirements of Section 103-77(g).
13. Section 103-73(c)(5): The required 25' residential driveway depth shall be reduced to allow residential driveways to either be (i) 7' or less in depth (as measured from the edge of the alley or back of curb) or (ii) 18' or greater in depth (as measured from the edge of alley, back of curb or edge of sidewalk, as applicable).
14. Section 103-73(h)(2)(a): The owner/developer shall extend the westbound deceleration right

turn lane on Abernathy Road at proposed signalized entrance to radius return of the adjacent driveway. The requirements of Section 103-73(h)(2)(a) shall not apply to the proposed westbound deceleration lane at the proposed traffic signal due to existing driveway proximity.

15. Section 103-73(k): Internal private roadway spacing per Table 11.4-10 shall be reduced to 150'. Internal private alleys shall be excluded from this Section.
16. Section 103-75(b)(8) Easement miters shall be eliminated on internal Project intersections.
17. Section 103-77(f): Internal street intersections shall meet sight distance and sight triangles per AASHTO standards for 20 mph design speed (stop controls may be used to reduce this requirement). This shall apply to alley intersections with internal private streets as well.

Use Permit

1. The buildings including condominiums and multifamily residential apartments, including any vertically integrated commercial uses, shall have a maximum height of 90 feet (6 stories).
2. The Phase I office building shall have a maximum building height of 64 feet (3 stories), exclusive of the clerestory/light monitor.
3. The Phase II office building shall have a maximum building height of 130 feet (9 stories).

Additional Conditions

- a. Within 60 days of recording of the plat for the first development phase on the north tract, but not later than 24 months after issuance of the Land Disturbance Permit for such phase, the owner/developer shall dedicate by quitclaim deed that portion of the area shown in green on the attached "Glenridge Park Concept Plan" dated 8/13/15 contained within such first phase, improved with trails as described below to the City of Sandy Springs, or their designee, for use as a public park. **Within 60 days of recording of the plat for the second, and final, development phase on the north tract, but not later than 48 months after issuance of the Land Disturbance Permit for the first development phase on the north tract, the owner/developer shall similarly dedicate the balance of the property shown in green on the attached Plan.** The total amount of property to be transferred will be generally in the size and configuration shown on the attached "Glenridge Park Concept Plan" dated 8/13/15, but it is acknowledged that the final size and location of the property will be determined by the plat recorded for the final development phase of the north tract. Such dedication shall be subject to an easement in favor of the owner/developer for construction, maintenance, repair or replacement of any of the project infrastructure within the public park area, and the owner/developer shall have a continuing duty to maintain, repair or replace such infrastructure, exclusive of the pervious trails or other infrastructure or improvements related solely to the park. At the time of dedication, the owner/developer shall have constructed (a) a pervious trail system within the public park area and connecting to the public sidewalk along the Glenridge Drive frontage of the north tract, generally as shown on the attached plan; and (b) an amenity package around the Feature Pond which will include walking paths, landscaping and seating areas. The trail system will provide for a connection at the property line common to the development and the UPS property to a trail system to be developed on the UPS property. Following construction, the City of Sandy Springs shall be responsible for maintenance, repair and replacement of the pervious trails west of the Feature Pond and any other infrastructure or improvements related solely to the park. Dedication of the public park shall not reduce the total density allowed pursuant to these conditions, nor shall any setbacks, buffers or landscape strips be imposed by the creation and dedication of the public

park. Dedication of the public park shall not relieve the owner/developer of any obligation to install sidewalks and streetscapes as otherwise required by the zoning conditions or ordinance.



- b. Construction traffic access to and from the South Tract shall be prohibited from traversing Spalding Drive between Dalrymple Road and Roswell Road, and on Glenridge Drive between

Spalding Drive and Glenlake Parkway and Barfield Road.

- c. That the multi-purpose path along Abernathy Road be constructed at the outermost portion of the right of way in anticipation of the widening of Abernathy.
- d. The apartment building on the Southern Tract shall be served by structured parking for at least 90% of its required parking. The apartments that wrap the structured parking shall be higher than the structured parking to prohibit views of the deck in the sides wrapped.
- e. No building permit shall be issued for the Phase II office building until the earlier of the completion of the I-285 at SRR 400 Interchange Reconstruction and Collector Distributor project, or January 1, 2022.
- f. Silva Cells shall be used for tree planting and stormwater management when appropriate and practical as agreed by the developer and the COSS Director of Community Development.
- g. The connector road from Glenridge to Barfield shall be constructed to public road standards and shall be dedicated to the public for the portion from Glenridge to the western property line of the Mercedes USA parcel. From the Mercedes property line to Barfield may be a private road but will be available for use by all property owners and residents of the southern tract of this development.
- h. Applicant shall provide for a landscape easement along Glenridge Drive averaging 35 feet in width as measured from the back of curb on Glenridge Drive. The landscape easement area shall be maintained by the Homeowners Association. Understory tree growth may be removed to construct path and trails, but the over-story tree canopy (measuring 10 feet or higher) will be preserved.
- i. Applicant will provide to the City up to \$60,000 in funding to provide projects developed and approved by the City working in partnership with the neighborhood. This funding shall constitute the required contribution from the neighborhood.

Council Member Gabriel Sterling stated all seven people on this dais love this City. All in the audience love this City. He understands there is a lot of trepidation about this project and hurt feelings about how this may have come about. However, in examining this process from the beginning and in his discussions with members from all over the City, including his constituents, colleagues, the developer, and the seller; at the end of the day this is a good project. It is the best use of this land. Caroline Mayson and Mike Rabalais travelled the United States for two years trying to find a way to save Glenridge Hall. They could not find a way to do it. They then put out the bid. There were multiple double digit people submitting bids. The proposed project was the least intense use for the property. There were submittals as large as a mini Avalon with millions of square feet of office space that included movie theaters, and grocery stores, and all types of developments that would have been many times worse. This will bring a world class company, Mercedes Benz, with a world class neighborhood that fits with the model of a village that the City has been trying to build. This is an important day and an important zoning as is apparent by the size of the crowd here this evening. This fits into the City's policy goals. If we look long term at this, the housing on this site will begin in the \$200,000's and reach into the millions of dollars. This is the kind of housing we need to have with various levels and intensities. The level of apartments he specified in the motion removes a floor from the building. This allows the appropriate kind of high end retail we need to have in the City. There was a study just produced for the City that shows that a wrapped deck of apartments is an appropriate use on this parcel. He understands that traffic is an issue, which is a reason why he pushed for the 2022 deadline for the next phase. In the p.m. peak traffic, which is what most people are concerned about, 2/3 of it will be produced by Mercedes Benz, but everyone says they want

Mercedes to be here. That is the reality and truth of this. By phasing the project to come in after the Abernathy, GA400, and I-285 collector distributor lanes are installed, it will mitigate the traffic. We are actually arguing over phantom traffic numbers, because most of the numbers come from the office. If you take the apartments by themselves, they make up less than sixteen percent of the overall traffic being discussed. For the long term, he wants to see if adjustments can be made by opening the side of Glenlake Parkway to send the traffic towards Barfield, because that is the most overbuilt and underutilized road in the City. This has been a very thought through process on all sides. A lot of these conditions came from the community. The community did not want apartments, but that would not work for this development. If the project is denied, he heard several people say that Mercedes will not go away. He does not have the opportunity to have the belief of yes or no. He does risk management, as all of Council does. The risks are, if Mercedes goes away, what will come next. This is not a choice between pretty trees and this project. It is a choice between this project and the next project that comes down the line. If anyone remembers the Lakeside zoning that originally occurred before he was on the Council, the City had to end up settling that case. He went to Council and asked what the likelihood is of the property becoming unzoned, which is the final thing that happens when multiple litigations occur. The Council stated it was not 100% and that it was more than 30%, so he asked if it was 50% to 70%. Council confirmed the chance the property would be unzoned was 50% to 70%. That is not a risk he is willing to take. The City will be receiving twelve to fourteen acres with trails. This is part of a long term puzzle piece that we need. If Ashton Woods goes away and/or Mercedes goes away, we lose the opportunity, or known opportunity, to have a very major part of a trail system. Whenever trails have been built along with parks, we see a general twenty percent increase in property values for the homes nearby. This has been thought through for a very long time. He read through all the emails he received from his constituents and people all over the City. It was about 55% against and 45% in favor of the proposed plan. It does not make him feel great that there will be people who will be very angry with him. Everyone who runs for office wants to be loved all the time. He knows that will not be the case here tonight. For the long term for this City this is absolutely the best outcome. Ashton Woods consulted DPZ, a world class designer, and produced an amazingly good plan. The project will add value for years to come. This is not a two or three year decision. This is a twenty, thirty, forty year decision. He is comfortable that this is the absolute right thing we have to do and he hopes his colleagues will support it.

Council Member Tibby DeJulio stated for many years he worked on the process of incorporating Sandy Springs. One of the reasons the City was incorporated was because we had unplanned and unwanted growth thrust upon on us. Here we have the opportunity to have a planned development that we truly want. He would like to correct the misconception. There is a young lady here who is not selling a piece of property, she is selling the home she grew up in. A lot of us are selling our homes because they are too big. Her home was clearly too big. Her family opened their home many times for fundraisers. The City's first holiday party was held at the home in 2005. This is a young lady who is about 27 or 28 years old in law school who does not need seventy-five acres to grow up on and have as a responsibility. He just downsized his house, because it was almost 5,000 square feet and he also could not afford it anymore. This is not a young lady who is just trying to make money or profit. She grew up in Sandy Springs and she has been very generous to those in the City. Her father was a founder of many of the organizations of the City. He remembers speaking to her father years ago when he said he wanted to leave a park legacy in Sandy Springs and this is a way to do it with fourteen acres. Ms. Mayson should have the right to sell her property. We should have the right to have a quality corporation like Mercedes Benz that we would really like. He has been very vocal against apartments and people know that, if they have paid attention. Today when he was on the way to the meeting he was listening to CNBC on the radio. He heard a report on CNBC talking about apartment development has increased across the U.S.A. and yet it is still underdeveloped. The younger millennials do not want four bedroom two bath homes. They want convenience, MARTA, bicycle lanes, and quality developments. The only thing he would ask for this is that Mercedes have a plan to put those employees, or encourage the employees, to locate in that area to minimize traffic. He knows traffic is bad. He chose to live in Sandy Springs because it is the best place to live and it's convenient to all the things he has done. That is the price he has to pay and fight traffic

sometimes. All of Council have done everything we can and the City has spent millions of dollars on traffic and traffic control. If you pay attention to what has happened in the last ten years, the traffic in the City has increased, because the population has increased. In 2005, the City's population was about 88,000 and currently the population is about 100,000. After the City was incorporated, there was a recession in 2007-2009 and now there is an economic expansion. Businesses are growing and the City is growing, too, and will continue to grow. This is a well thought out, low density project, that will show the City knows how to do quality development. This has been a project that has been going back and forth in his mind for months and he thinks this is the right thing to do.

Council Member Graham McDonald stated he would like to ask a question of Mercedes Benz, specifically Mr. DeSanto. One of the things that excited him the most during the presentation was a comment Mr. DeSanto made about some of the things Mercedes is focused on with traffic in mind. His City Council District is within 200 yards of the proposed and desired new headquarters. A majority of it is to the west. As we sit here today, at 8:15 a.m. the traffic backs up outside of Sandy Springs on Abernathy and Johnson Ferry Road over the river into east Cobb. Mr. DeSanto made a statement about staggered work hours. He is thrilled to hear that. As Council Member Sterling mentioned, the majority of the problematic traffic that comes with a project like this is related to the office space. He met with the City's traffic engineers last week where they focused mainly on the peak hour traffic counts during the peak hour in the morning and the rush hour in the afternoon, when the Mercedes building will be filled and emptied every day. He asked if Mr. DeSanto has any specifics as to the scope of the workforce at the Mercedes facility that may be able to benefit from staggered work hours and how far along that idea has gotten in the thought process.

Mr. DeSanto stated Mercedes is also interested in the MARTA access. The staggered working hours is something Mercedes has been considering for a while. The company does not have staggered working hours in New Jersey. The company has considered this coming down here. Mercedes has already done some bench marking from those companies that do it well to find out what works and what does not. Obviously, the building has not been developed, yet, because this process had to come first. The planning is considering everything including potentially the entire workforce having available staggered work hours, subject to approval from their manager. Obviously, this will have to be controlled if the entire workforce is shifted one way or the other. At this state the commitment is to ensure the employees can get to work at a reasonable time. Staggered work hours include starting the work day later and staying later or starting earlier and leaving earlier. To answer the question more succinctly, he cannot tell Council that a certain number of employees will have that available to them. Mercedes is developing that plan now, because they are already seeing issues with traffic getting to and from the office at their current location in Dunwoody.

Council Member McDonald stated he has reservations about the density of the southern portion of the property and specifically he has reservations about the apartment count at 355. He would be much more comfortable with the apartment count at the Planning Commission recommendation of 199 units.

Council Member Andy Bauman stated thank you and thank you to everybody for the presentation. I want to say that I thought I had more clarity coming in and then for a while I didn't. I think I'm reaching the point of clarity on this. I'll jump to the conclusion in support of the project, but I am looking at the density as an issue on the south parcel. There are legalistic arguments. That is a practical matter. I understand the neighbors to the south, many of whom I have very dear and close friends, hopefully I still have dear and close friends in some of the properties adjacent, and to the gentleman who asked the rhetorical question, if I lived at the gates of Glenridge how would I vote, I would say maybe I would be inclined to vote no, but I did not get hired to do this job in that way. We just can't do it that way. We can't be that narrow minded in our view to say, if we lived in a particular project on a zoning night, how would we vote. I think there are a lot of obvious reasons for that. I can get the sentiment, but that is not how you can look at these cases and that is not how you can look at this case. Nor do I think we can look

at this case because Caroline Mayson was a great corporate citizen. She was, apparently, and I have no reason to doubt that, but that is really not a consideration in my mind. I am mindful of private property rights. I am mindful of alternative uses. I don't want to take too much time, but let me focus on the two things that I see at play here. Density is a concern of the opposition neighbors and it is not so much density for density sake, it is density for what density does. I would say primarily traffic. None of us would disagree that traffic is a problem locally, it is a problem regionally, and in parts of the country it is a problem nationally. It is a problem here. Not doing this project doesn't solve, not doing this project would solve that problem. Doing this project may well create additional problem. I see the work being done at the project level and the system level as a good start, but as Councilman DeJulio said, we've done a lot prior Councils and there is more to be done, but we will wrestle with it either way. Density for density sake would bother me if we were talking about five or six high rise office buildings, which I deeply fear for this project later on. What we are talking about here is a three story office building. People seem to support Mercedes and a future nine story building. As a District 6 representative, one of the things that I hear most, particularly at the formative stages of a project, is about the mass grading and the mass clear cutting and the loss of trees, and there will be loss of trees here, but when the Conservancy stands up and others stand up and talk about open space, a very significant percentages, a very significant park, there is a condition buried in here that I will tell you that I was all for. I know I heard from residents about the buffer zone along Glenridge Drive, facing Gates at Glenridge, averaging thirty-five feet in width, that while they will undercut, some of the undercut growth they will cut away, but they are preserving a lot of trees. Will I have your assurance that you are not mass grading that boundary, is that right?

Mr. Busher stated that is right.

Council Member Bauman stated we don't see that around here. It's an imperfect project, but in the area of open space and conservation efforts, they are getting at least a B here, maybe not an A+, but they are getting a good grade. The park makes it a B+ to an A-. It is a good thing. Lastly, let me say this. Two other last points. I am deeply concerned about the availability, I am not going to use the word affordable housing, I am not sure this is affordable housing, but of attainable housing. We have a real problem in this area with \$700,000 single family tear downs in some parts of the City. This is not affordable housing, but this may be attainable housing. Tom Mahaffey are you in the room?

Council Member Sterling stated he waved his hand.

Council Member Bauman asked Mr. Mahaffey will you verify this number that five years ago, roughly 123,000 people entered the central perimeter market for employment. That number is now up to 135,000, if I understand it. I am very concerned. Our housing supply is not coming close to matching that. That is where our traffic is coming from. It is coming from people that live in Sandy Springs working in Midtown, people in Cobb coming down to central Perimeter. The Mayor has said we need more people living nearer to where they work and more people working nearer to where they live. This is not perfect this project, but it is a good project, and it is very, very low on the density front as it relates to the commercial, more office towers. It is attainable housing. Finally, economic development is not the reason to do this, it is a reason to do this. This is an adopted priority of our community and there was a speaker who talked, and I was thinking about a lot of people who are not in this room. I would imagine most of the people in this room are either employed, significantly employable, possibly retired. This City is a city of roughly 100,000 residents, many of which live day-to-day. I'm not suggesting they are going to have white color jobs at Mercedes Benz and I'm not suggesting that Mercedes Benz is a panacea for this community on economic development, but it is a step in the right direction and it will filter down to people that really do need jobs in the service industry, in landscaping and otherwise. In an economy and a country where job creation and job growth has been a real problem, you know it is not a national problem it is a local problem, it is a local issue. I understand the concerns, I do. I think they have

delivered a very good project. I would prefer that there be consensus. I recognize that people disagree with it, but I support this project.

Council Member Ken Dishman stated like Council Member Bauman he has a lot of friends who live close to the project. They found out about the proposed project and their world changed dramatically. It is very regrettable that in the process of engaging with the developer and staff, so many people feel like they were not given their due in this process and shame on someone for that. That needs to be dealt with as one of the outcomes of this process. To him this case is not about business, although it is a great benefit. This proposed project is not about tax revenue, because it will be offset by all the overhead cost created with it. This project is about three or four things, one of them being an alternative. As it is constituted today there is heavy emphasis on strata of housing from attainable that extends up to luxury. With the apartments he likes the idea of lowering the density from what the applicant has requested. His understanding is if the density is much lower than 350, then the economics of a wrapped deck get called into question. The wrapped deck is an important element to this project in regards to aesthetics. The alternative to this project is office space. One of the things that stood out to him when he met with City staff traffic engineers is what the impact would be if certain densities of office are added. The traffic numbers will be significantly more than what is currently being discussed. He works from home, as a lot of Americans do, as well as millennials that are in tech jobs. That helps tremendously in offsetting the traffic component of housing. Another thing this comes down to is property rights. He tends to look at the existing homeowners property rights first. He asked himself if the proposed project were to be across the street from his house, how he would feel about it. He likes the project, maybe because he is active and enjoys going outdoors. He likes the park aspect and the ability to go down the street to a restaurant without getting into a car, and that is what we are discussing here. He enjoys that type of lifestyle and embraces that aspect of the project. The traffic is horrible and he has many friends who have children that attend Mount Vernon. The project will not help traffic, but it is what it is. He believes there are mitigation elements to this project that are going to make a difference. This also comes down to the property rights of the current owner and what their recourse is if Council denies this application. Their recourse is to go through the courts. An unzoned property means the owner can do what they want with the property. That is the risk that Council would be taking. He is not willing to take that risk, either. Ultimately, this comes down to quality of life in the community. The City will grow and Traffic Engineer Brad Edwards stated the load on the City roads increases by 1.5% a year. In ten years you are looking at about ten percent growth. We have to make modifications to the infrastructure no matter what. This is in the works in conjunction with GDOT, the PCID, and the work for the GA400 and I-285 interchange. While there are several elements to the process that are regrettable and that he is not happy about, he supports this project.

Council Member John Paulson stated he lives on Northridge Road off GA400. There are times he has wanted to go out to dinner when he pulls out at the intersection of his subdivision and the traffic is backed up on GA400 both north bound and south bound. He goes across GA400 to Roswell Road and north bound on Roswell Road the traffic is backed up and sometimes south bound is backed up as well. The point is, there is traffic in the community and there are about 6 million people in the Metro Atlanta area. This project is less than a mile from the second busiest intersection interchange in the State, so there will be traffic. What is amazing is the amount of effort that has been put in by staff and by the developer. There will be a lot of traffic improvements that will make this project the least impactful possible. He asked everyone to imagine if the City was never created. This proposal would all have been negotiated at Fulton County. He asked if any of the work that staff has done would have shown up in the rezoning conditions. He doubts if they would have. When people say the City's staff is a joke and what the staff evaluates is a joke, he takes exception to that because it is not true. The City pays good money to some smart people to work on the residents' behalf to get as much improvement and concession out of developers as we can. He gives City staff a lot of credit and sometimes they don't get the credit. There is a lot of work that goes on in this area. There has been mention of the potential for lawsuits and someone may be worried about being sued. The week before he was sworn in as a Council Member he was named

in a lawsuit. Trying to make a decision based on a lawsuit is not how he thinks. He looks at the merits of a project and what is a good logical, reasonable use for the project. This is a well-balanced project and he likes the mix of the office and residential, which includes apartments as well as everything else. The fact the City will receive a fourteen acre park out of this project is stunning. This is a good project. He thanked the Mayson family for being responsible in the development they have chosen and he looks forward to a good project.

Council Member DeJulio stated Mr. DeSanto mentioned Mercedes is in the process of looking at staggered hours and trying to figure that out. He asked if Mr. DeSanto can also suggest to Mercedes management that they look at possible incentives for their employees that live within walking or bicycling distance of the office. He is not sure how this can be accomplished.

Mr. DeSanto stated he moved to the area two months ago. The traffic issue was apparent when looking where to move the headquarters. Sandy Springs shone through even with the traffic constraints. Mercedes wants to be in Sandy Springs and they know their employees will have an issue with traffic. A lot of the employees are locating in and around Sandy Springs and Dunwoody to avoid a long drive. Management is looking at staggered hours as discussed with Councilman McDonald. In New Jersey, many of the employees commuted less than ten minutes to work and some even five minutes to work. Mercedes is a company that supports that type of connectivity to the community and he knows their employees will embrace that as well. As long as the full breadth of options are available, he believes their employees will live close to work, because it makes sense.

Mayor Paul stated one of the advantages of being Mayor is that he rarely votes on items and people at times wonder what he is thinking. In this case, he owes everyone what he is thinking. There are two things he has spent about eighty percent of his time on for the last eighteen months. One is the City Center, which is a large important project for the community. The other is trying to figure out how we can get ourselves out of our cars. He concurs with Council Member Paulson that this is a great staff. Staff works really hard to try and figure out how to solve the conundrums of traffic and mobility and they are great people. He spent a lot of time with staff over the last eighteen months. There are two commuting options and one is way over utilized, the roads, and the other is underutilized, which is mass transit. The City has been working on policies to bring forth to Council. About two months ago a meeting was held with major employers in the area to let them know what the City has in mind. He almost wanted to cry because everything the City said they want to do to get people out of their cars the employers said they were already doing and it was not working. In desperation he asked what is working and the response he got was the employees are taking advantage of the housing options that are in the neighborhood, so they can walk and ride their bicycles to work. Those that chose this option do not have to fight the traffic. That is the reason he supports this project and he understands it will create more traffic. After 1 ½ years of intense effort on his part, staff, and Council it seems the only thing that works is to have housing near where people work. This project will accomplish that. He agrees with Council Member Bauman that the project is not perfect. Winston Churchill said that democracy is the worst form of government ever devised by man, except for all the others. He has a lot of issues with the plan. A lot of the developers that were considering making submissions to the Mayson family brought their plans to the City first to see if the City would even consider it. The density that many proposed totally changed the character of the community. He used to live in Spalding Woods with his family. He has friends and former friends as a result of the proposed project. He understands what everyone is facing. He gets to drive around the City probably more than anyone else. He has discovered when he gets upset about traffic he is in the middle of it, creating part of the problem. This may not be the best plan, but he can assure the residents it is the best plan compared to all the others he saw. He loves status quo and would love for things to remain as they are, but Council does not get a chance to make that decision. He and Council Member DeJulio were discussing that when the City was first created they denied quite a few rezoning requests. Then for some strange reason, about eighteen months later the applicant would show back up and this time they had a court order attached to the application. The court order was giving

Council direction on how they were to zone the property. He asked City Attorney Willard what will happen if Council denies the application and would he go to jail for contempt of court. He was told he wouldn't go to jail. The Judge cannot rezone property, only Council can rezone property. The Judge can declare the property unzoned property. He and Council Member DeJulio learned a lesson that simply saying no did not solve problems. Now the City tries harder to figure out what the least impactful thing is that can be done. He believes the proposed project is the least impactful. He wishes there was another answer or another solution, but there is not. None of Council wants to send anyone in this room home disappointed, but we will have to. Some in attendance will leave here unhappy today.

Vote on the Motion: The motion carried 5-1, with Council Member McDonald voting in opposition.
Ordinance No. 2015-08-24

There was a break from 8:33 p.m. until 8:46 p.m.

Mayor Paul stated due to losing his voice, his ability to preside at this meeting is at an end. He asked Mayor Pro Tem DeJulio to preside over the remainder of the meeting.

6. **15-323 201501380** – 183 Mystic Place (aka Buckhead Plastic Surgery), to rezone the property located at 183 Mystic Place, Sandy Springs, GA from O-I conditional (Office Institutional District) to O-I conditional (Office Institutional District), with six (6) concurrent variances, for the construction of a medical and office building

Manager of Planning & Zoning Joe Cooley stated this item is a request to redevelop a site where a single family home was being used as a medical office. The new structure will be a two story building. The top floor will be an ambulatory surgery center and the bottom portion will consist of offices. The leadership of the Cherokee Park Civic Association from the neighboring subdivision provided a letter of support at the Planning Commission hearing. The Commission recommended approval conditional based upon staff recommendations, but also approval of the concurrent zoning variances. That includes variance #4, which staff recommended for denial. Variance #4 was pertains to requirement for a sidewalk up to Roswell Road.

Council Member Gabriel Sterling asked if staff denied the request for the sidewalk on Roswell Road. He thought the denial was only for the sidewalk in front of the businesses.

Manager of Planning & Zoning Cooley stated in front of the establishment there is an existing sidewalk that goes in front of the business's parking lot up to Roswell Road. The condition was for denial of the variance.

Council Member Tibby DeJulio stated the applicant is trying to extend the sidewalk from Roswell Road to the end of their property.

Council Member John Paulson responded no. The applicant does not want to extend that sidewalk.

Todd Cohen, representative of the applicant, stated he is with SK Project Consulting and represents the owner, Dr. Allen Larsen. The request is for six concurrent variances. The Planning Commission voted in favor of the six variances. Staff recommends not voting in favor of variance #4, which is to waive the required sidewalk in front of the property. The request for the application was based on the discussions with the neighborhood. The applicant has worked a long time with the neighborhood to design the building to replace the current building in the same location. A drive and entrance will be created to look like a residential style property to limit the traffic on Mystic Place. The request is to not have sidewalks, because there are no sidewalks within the community. The neighbors fear additional pedestrian traffic

through the neighborhood. The project will include reestablishing buffers that do not exist now. Some of the parking will be moved. This was all done around what the neighbors have requested.

Mayor Pro Tempore Tibby DeJulio called for public comments in support of the application.

Ric Mayfield, 4805 Kitty Hawk Drive, stated he is in attendance on behalf of the neighborhood association. The applicant has worked well with the neighborhood. The residents do not want the sidewalk due to the position of the property. The property is located in the neighborhood versus on the corner of Roswell Road. If the sidewalk were to be built, it would extend to nowhere. The sidewalk would end next to residential homes. It has been great working with Mr. Cohen. He asked that Council approve all variances.

Mayor Pro Tempore DeJulio called for public comments in opposition to the application. There were no public comments. Mayor Pro Tempore DeJulio closed the public hearing.

Motion and Second: Council Member Andy Bauman moved to approve Agenda Item No. 15-323, 201501380 – 183 Mystic Place (aka Buckhead Plastic Surgery), to rezone the property located at 183 Mystic Place, Sandy Springs, GA from O-I conditional (Office Institutional District) to O-I conditional (Office Institutional District), with six (6) concurrent variances, for the construction of a medical and office building. Council Member Dishman seconded the motion.

Staff conditions:

1. To reduce the front yard setback from 40 feet to 20 feet for property located at 9545 Huntcliff Trace (Parcel # 17 007900030155), as shown on the site plan by Paul Lee Consulting Engineering Associates, Inc. dated April 15, 2014 and marked received by the Community Development Department on July 30, 2015 to allow installation of Flo-Wells west of (behind) the residence.

Council Member Andy Bauman asked about the sidewalk. The sidewalk does not lead to nowhere on one end. He is in favor of Council doing what the residents prefer. The general philosophy is that commercial properties are required to construct sidewalks during construction. There is traffic in the area. He asked if pedestrian traffic comes to the business from Roswell Road or does everyone drive there.

Mr. Cohen stated generally most people drive to the facility, because it is a plastic surgeon's office.

Manager of Planning & Zoning Cooley stated this parcel is located off Roswell Road. The question is the connectivity to the parcel. There is a MARTA bus stop 290 feet from the front door of the business. There were comments from Public Works staff regarding the policy. It is a policy question in the Comprehensive Plan and overlay district regarding the sidewalk to be built.

Council Member Bauman stated the "one size fits all" does not always work well. This may be one of those cases.

Council Member Sterling asked if in the current motion the sidewalk is required to be built by the applicant.

Manager of Planning & Zoning Cooley stated the recommendation from staff was to not approve the request to not require the sidewalk. The Commission's recommendation was approval as submitted, which would mean they would not need to build the sidewalk.

Mayor Pro Tempore DeJulio asked if Mystic Place is on the Sidewalk Master Plan.

Manager of Planning & Zoning Cooley stated a sidewalk would be required on Mystic Place because of the use being O & I.

Council Member Sterling asked about the neighborhood's objection for the connectivity of the sidewalk.

Mr. Cohen stated the issue is due to the situation of the parcel. The subject property next to it sits in the neighborhood. Right next door is where the residential portion of the neighborhood starts. The sidewalk would touch the neighborhood. The neighborhood does not want the sidewalk.

Council Member Paulson stated the sidewalk does not go into the neighborhood. It would be in front of the business. This is a commercial property that has a sidewalk in front of it. The sidewalk would stop at the edge of the neighborhood. The City's policy says sidewalks have to go in front of all commercial uses. The neighbors are concerned someone may get off the bus, walk down the sidewalk and see the neighborhood, go in there and possibly commit a crime.

Mr. Cohen stated he is sure some are worried about that, but it is more of an aesthetic issue for him.

Council Member Paulson asked what staff should do next time this sidewalk issue comes up.

Council Member Sterling stated the City currently does that right now, if the applicant requests a variance.

Vote on the Motion: The motion carried 5-1, with Council Member Paulson voting in opposition.
Ordinance No. 2015-08-25

Zoning Modification

7. **15-324 201501374** - 9545 Huntcliff Trace, to modify zoning condition 2 of zoning case 1979Z-0049 to reduce the minimum front yard setback from forty (40) feet to twenty (20) feet to allow for stormwater quality management devices in the backyard

Manager of Planning & Zoning Joe Cooley stated this item was deferred from the July 21st meeting. There was a question about the location of the house. The applicant is requesting a setback of twenty feet as opposed to forty feet. The primary reason is because this is on the Chattahoochee River. There is a very steep slope at the back of the property. Water quality measures are required before the water goes into the river. The applicant came back with a new plan after discussing this with the Community Development staff. Staff has decided the current application appears to be the only option that will allow the house to be built and deal with the water quality issues.

Nathan Hendricks, representative of the applicant, stated the site plan was revised to be able to show what visually the plan will look like at the back of the curb. The closest point will be the covered porch which is at thirty-one feet from back of curb. When reaching the other corner of the property, it is at forty-seven feet from back of curb. He attached the revised site plan and confirmation of the HOA that there are no further questions and no opposition as it is before Council. He also attached the memorandum from staff member Chris McCrary confirming having to accommodate the flow wells at the back of the house due to the severity of the slope. The proposed site plan that shows where the house is to be located is the only place on the property where the home can be located. He requested Council's approval.

Mayor Pro Tempore Tibby DeJulio called for public comments in support of or opposition to the application. There were no public comments. Mayor Pro Tempore DeJulio closed the public hearing.

Motion and Second: Council Member Dishman moved to approve Agenda Item No. 15-324, 201501374 - 9545 Huntcliff Trace, to modify zoning condition 2 of zoning case 1979Z-0049 to reduce the minimum front yard setback from forty (40) feet to twenty (20) feet to allow for stormwater quality management devices in the backyard. Council Member Sterling seconded the motion.

Staff conditions:

1. To reduce the front yard setback from 40 feet to 20 feet for property located at 9545 Huntcliff Trace (Parcel # 17 007900030155), as shown on the site plan by Paul Lee Consulting Engineering Associates, Inc. dated April 15, 2014 and marked received by the Community Development Department on July 30, 2015 to allow installation of Flo-Wells west of (behind) the residence.

Council Member Ken Dishman stated to echo what Mr. Hendricks stated, there seems to be complete consensus among the HOA Board and the neighbors he has spoken with and they are excited about the project.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2015-08-26

8. **15-325 201501843** – 805 Mount Vernon Highway (Holy Innocents' School), to modify zoning condition 2.a of cases U09-004/U09-005/U09-006/CV09007 to amend the site plan to show a "60' Building Setback" rather than the existing "60' Setback" to maximize the number of parking spaces in the South Campus

Manager of Planning & Zoning Joe Cooley stated this is a modification to the existing conditions. Condition 2.a. refers to the site plan received by Community Development on December 2, 2009. The problem with that plan was the language which references a sixty foot setback. It does not state the typical sixty foot "building setback". The applicant is requesting the modification to adjust it to the June 2, 2015 site plan as submitted to the Community Development Department, which will allow parking within that area. The building setback will stay the same, but this change will allow for additional parking of thirty-two spaces. The extra parking will be at the front towards the road near the practice ball field.

Council Member Andy Bauman asked how many parking spaces are currently on the property.

Amy Hillman, representative of the applicant, stated she believes the new number of parking spaces will now be seventy-eight, when it was forty-six previously. Many members of Council were present when this application came before them in 2009. That was a big undertaking and since then a lot was done to the site plan. The focus was on the buildings that were interior to the campus. At that time, the school owned a single family home that is subject to a life estate. A parking lot was depicted on that plan and was always going to be a parking lot. Landscaping was also depicted around the parking lot. The applicant is not asking to change the landscaping that is already on site. The applicant is asking to improve the landscaping in many ways. Now that the owner of the life interest has moved, the applicant has the opportunity to develop the area. She referenced the newly proposed plan. There will be one row of parking to go over the building setback line with a better design of the lot. The goal is to relieve some of the interior congestion on the campus. The goal is to make things better by dispersing some of the parked cars and maximizing the space. The applicant sent out over 300 letters to neighbors telling them about this plan. An open house was held on the school campus on July 8th and three people attended the

meeting. Two of the individuals thought changes were to a different area of the campus and one person got further clarification on what the parking lot landscaping will look like. The City staff has received no complaints or letters in opposition. She has not received a single phone call in opposition to this. She did learn last night there may be concerns from some regarding landscaping.

Mayor Pro Tempore Tibby DeJulio called for public comments in support of the application. There were no public comments. Mayor Pro Tempore DeJulio called for public comments in opposition to the application.

Barry, Lebowitz, 996 Old Powers Ferry Road, stated he lives about a quarter of a mile from the school. He found out last night that some of his neighbors and others in Carol Matz's neighborhood are concerned about the landscaping plan. The increase in parking will be about seventy percent. The neighbors believe the landscape plan that was initially proposed is not adequate to screen the additional parking spaces. The neighbors are not against the parking lot, but they would prefer to see a better plan. The plants are to be seven gallon plants, but they should be much larger. There is also the Mount Vernon Baptist parking lot next door as well. He and his neighbors would like a better landscape plan to be offered for the screening. He would prefer a deferral on this item. He asked for the school to work with the neighbors to come up with a better plan.

Carol Matz, 120 Parc du Chateau, stated she has been a Sandy Springs resident for more than twenty-five years. She has been a practicing engineer for more than thirty years. In general, Holy Innocents has been a good neighbor. Holy Innocents did mail a letter to the nearby neighbors at the end of June. In the letter there is a statement that states the change will not be visibly noticeable from the street. Some made a comment about the prior plan. When the residents went to the meeting that was held they were asked if they like what they see now. If one looks at the corner of Mount Vernon Parkway and Mount Vernon Highway what can be seen is a berm, fenced area and evergreen trees. The front of the property is 200 feet wide which extends back 400 feet. There is a parking lot behind the front house, but no one knows it is there because it is screened by bushes. There is concern about the screening on this parking lot. Neighbors have signed a petition she will turn in to the City Clerk. She requested a deferral on this item.

Council Member John Paulson stated he is looking at MapQuest where the property is located and sees many trees at the front of where the house is located.

Ms. Matz stated the screening in that area is great. Those that attended the meeting had the understanding that nothing would change and they presumed the screening would remain the same.

Council Member Paulson asked if the neighbors would like all the trees around the perimeter of the property to remain the same.

Ms. Matz stated they would prefer more screening, so the parking lot is not visible. There is also the possibility of extending the berm.

Ms. Hillman stated for a point of clarification and for the record, Ms. Matz did not attend the meeting. The applicant disagrees with what she is representing on what was said. The landscape plan for this parking lot has been reviewed by staff. There were four submittals and resubmittals to staff and close to one year of negotiations in 2009. If Ms. Matz wants a berm in front of this particular property, that will not work. That would completely impact line of sight for all the cars that come from the shared easement with the Baptist Church. There was never a proposition to place a berm in front of this parking lot. The berm would cause safety and line of sight issues. The berm and swell around the corner was a negotiated item that came out of a mutual design from the nearby neighbors and was included on the plan in 2009. She does not want the applicant to be thought of as not a good neighbor. This opposition is a surprise.

The applicant has offered to place more trees in for a screening. A berm will not work for this area. The extra parking is needed to help manage traffic. The applicant will agree to a two week deferral.

Council Member Bauman asked if Council can defer this item to the next Council meeting.

City Attorney Wendell Willard stated the motion would be to defer the item to a specific meeting.

Chris Burnett, Board of Trustees of Holy Innocents Episcopal School, stated the Board of Trustees meeting was held last night and at no time were any of these issues discussed by any of the HOAs. He was surprised there is opposition. The school has been a great neighbor to the community for many years. A science and mathematics building was just completed on site that includes outstanding landscaping. He has children that attend the school. He would be very concerned if his daughter pulled her car out on Mount Vernon, where a berm would be placed, and was broad sided by another car because she didn't see it; or if a younger child walked across the street without help and was hit by a car. Mount Vernon Baptist Church has a larger space of road frontage and has no tree coverage or berms fronting their parking. He asked that Council approve the application as presented.

Mayor Pro Tempore DeJulio closed the public hearing.

Council Member Graham McDonald asked if it would be appropriate for him to vote on this item since he is a member of this church.

City Attorney Wendell Willard stated Council Member McDonald has no financial interest in the church. If Council Member McDonald feels there is an issue with him voting, he can recuse himself.

Motion and Second: Council Member Bauman moved to defer Agenda Item No. 201501843 – 805 Mount Vernon Highway (Holy Innocents' School), to modify zoning condition 2.a of cases U09-004/U09-005/U09-006/CV09007 to amend the site plan to show a "60' Building Setback" rather than the existing "60' Setback" to maximize the number of parking spaces in the South Campus, to the September 1, 2015 City Council meeting. Council Member Sterling seconded the motion.

Council Member Bauman stated the applicant reached out to him and from his point of view everything was done in the right way. He cannot completely ignore the neighbors and the petition. He has no doubt that Holy Innocents is a good neighbor, but he prefers the two week deferral.

Vote on the Motion: The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS

Mayor and Council Reports

9. 15-326 Staff Reports

PUBLIC COMMENT

Masoud Zahedi, 5801 Roswell Road, stated if anyone wants to build something in the City, such as a developer, they are treated like a second class citizen. He is not sure why he feels that way. He does not understand why some that oppose applications wait until the last minute to voice their opposition. He has told citizens if they do not attend the meetings for new applications, they should not come before Council at the last minute. Regarding Carpenter Drive, he requested a sidewalk be installed. He has seen many senior citizens walking with their walkers around the curve of the street in the street, because there is no sidewalk. He requested that staff review building a sidewalk in this area. There is development on the north side of the street. He saw that RaceTrac hired a survey company to do the survey. He thinks it would be much better to align the road sooner.

EXECUTIVE SESSION

10. 15-327

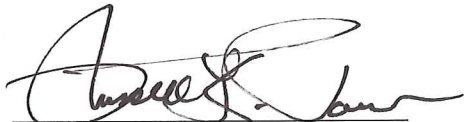
There was no Executive Session.

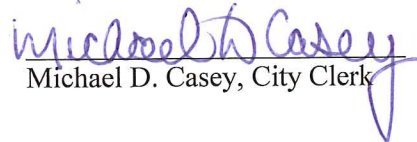
ADJOURNMENT

15-328 Adjournment

Motion and Vote: Council Member Sterling moved to adjourn the meeting. Council Member Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Date Approved: September 1, 2015


Russell K. Paul, Mayor


Michael D. Casey, City Clerk