Regular meeting of the Mayor and City Council of the City of Sandy Springs held June 17, 2008 at 6:00 p.m., Mayor Eva Galambos presiding.

Invocation – Reverend Tryggri G. Arnason, Holy Innocents' Episcopal Church gave the invocation.

Call to Order

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

Roll Call and General Announcements

City Clerk Rowland reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny. Councilmember Paul absent and excused.

Pledge of Allegiance
Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember DeJulio moved to amend the Meeting Agenda to add an amended resolution to authorize the purchase by the City of Sandy Springs of Lost Corners Preserve and the use of grant funding in connection with the purchase to the Consent Agenda. Councilmember Fries seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember DeJulio moved to approve Meeting Agenda as amended. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

1. Meeting Minutes:
   a. May 20, 2008 Regular Meeting Minutes
   b. June 3, 2008 Regular Meeting Minutes

2. Approval of a Resolution to authorize Lost Corners Preserve to be exempted from the City's subdivision ordinance.
   Resolution No. 2008-06-24

3. Approval of an intergovernmental agreement with the City of Doraville for inmate housing.

4. Approval of a Right-of Way agreement with MTW-Roswell, LTD for road improvements at Roswell Road and Windsor Parkway.
   Resolution No. 2008-06-27

5. Approval of the GDOT Project Framework Agreement for the State Route 9 ATMS Project (T-0013).

(Item added by motion and vote)

6. Approval of an Amended Resolution to Authorize the Purchase by the City of Sandy Springs of Lost Corners Preserve and the use of grant funding in connection with the purchase.
Resolution No. 2008-06-25

Motion and Vote: Councilmember DeJulio moved to approve Consent Agenda as amended. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Hearings

Budget

To receive public comment pertaining to the Fiscal Year 2009 budget.

Trisha Thompson thanked City Council for a great job in putting the City in a position of having excess money.

Consideration of approval of an ordinance adopting a budget for the Fiscal Year 2009 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2008, and ending June 30, 2009, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources.
Ordinance No. 2008-06-21

Main Motion and Second: Councilmember Fries moved to approve an ordinance adopting a budget for the Fiscal Year 2009 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2008, and ending June 30, 2009, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources. Councilmember Jenkins seconded the motion.

Councilmember MacGinnitie stated that it would be an appropriate balance if the City were to earmark some of the money towards reducing property tax rates, when and if that money shows up. He believes that it is an appropriate balancing act to take some of that money and give it back to the taxpayers.

Councilmember DeJulio stated that this is non binding on the Council and can be changed based upon circumstances at the time. This is giving an indication to the general public. Councilmember DeJulio supports amendment to motion.

Councilmember Fries stated that she can not support the amendment to the motion. Her district has stated that the City should continue to move forward with progress. The City has a list of prioritized projects that need to be done in order to get the City into shape after so many years of neglect. The City needs to use these funds for necessary repairs.

Councilmember Jenkins questioned if this would impact the City for the next fiscal year.

Assistant City Manager Rapson stated that Council could incorporate it into the ordinance and it basically would direct City staff on how to approach the 2010 budget. He does not see any reason why it could not be put in the ordinance, although he has never seen it done this way.

Councilmember Jenkins stated that everyone needs to understand that the money did not magically appear and that Mr. Rapson did it that way for a reason, to make sure the City could meet its goals and not be under funded in City Departments or improvements to the City. The appropriate time for this to be brought up would be at the FY 2010 budget.
Councilmember Meinzen McEnerny stated that she would like to look at the real and personal property tax line item. This is when the Committee for Sandy Springs budgeted real estate taxes and used the Carl Vinson Institute. They

budgeted $22,000,000 for the property tax collections and came in at $24,000,000. Councilmember MacGinnitie referenced a $9,000,000 surplus for this year and it was actually $9,400,000 and its potential to be $10,500,000 when you factor in the last two months of the year. The fiscal year before on the real estate taxes, they were $5,500,000 to the good and added it to fund balance. Her point is that year after year, in that one line item, real estate property taxes shows that the City under budgeted that revenue line item conversantly at a 92% of the tax digest verses the collection rate of Arthur Ferdinand fifa's to get up to 96%, about $2,000,000 a year. What she likes about Councilmember MacGinnitie's suggestion is that they both believe that there is going to be at year end, FY09 another $2,500,000 to $3,000,000 excess of surplus. It happened in FY06, FY07, FY08 and believe it will happen in FY09 and if it does, they would like to have the intention of the Council to partially roll it back to the taxpayers as evidence in the future millage rate reduction.

City Manager McDonough stated that there is additional information that he would like for Mr. Rapson to share with Council.

Assistant City Manager Rapson stated that Fulton County currently has a lot of assessments that are in appeal. If you mandated through the digest in the actual appeal process to keep it under 3%, they are actually running it at 11.6% and because of that they are actually going to file in Superior Court tomorrow after the Board of Commissioners approves a temporary collection order in court. There are two ways this could happen; one is what happened in 1998, which basically the court said they had so many appeals over the 3% threshold, the court will only allow them to collect based on the digest from the year before. If they do that, the impact to Sandy Springs would be roughly $2,600,000 which would pretty much be the increase that the City has in the budget this year verses last year. The City will still be okay. The best case scenario would be that they would allow them to move forward with the restated digest and actually assess those taxpayers in the 11.6% appeal process at 85%. The problem with that is that the folks in the 11.6% appeal are going to say that they do not want to pay 85% of an assessment that is 50% because they think it is 10%. They are not sure how successful that will be. The other thing that could impact that would be with regards to what scenario takes place, there is still mandatory advertising that has to take place to be able to get the digest certified. That alone could push the City's cash flow an additional 60 to 90 days which will still get the same money in but would go out another quarter. When you look at all of those things and you start looking at the materiality or how much that property tax will spike, it will be determined in the next 30 to 45 days.

The motion that Councilmember MacGinnitie wants to make is fine with the exception of you can not make a predetermination on what to do with the millage rate in regards to the roll back. There is a mandatory state law, requirement that you have to advertise it. The intent is to take 50% of whatever surplus is over the 16% fund balance that the City currently has and allocate that in a certain manner. The city would get gigged on that with the audit and it is something that you can not do because mandate what to do with the millage rate in a subsequent period.

Mayor Galambos stated that it is foolish to assume that there is even going to be a surplus, we do not know. She agrees with Mr. Rapson, the whole commercial reassessment is a big question mark as to how much money it is going to pull in. We are looking at rough economic time. She thinks the City's business license tax is going to be affected and it has not been factored in. She understands the motivation of Councilmembers that voted for no roll back and now wishes to cover themselves by saying, do it next year. She thinks it is a game.

Councilmember MacGinnitie stated that Mr. McDonough and Mr. Rapson's points are well made but it really does not affect the intent. If there is no surplus then there is nothing to give back. They are talking about a potentiality that he believes will happen, time will tell. He appreciates what Mayor Galambos said but he is willing to take this over nothing. He would appreciate Council's vote.

Councilmember DeJulio questioned if this was more appropriate someplace outside of this ordinance.

City Attorney Willard suggested that it be offered as a separate resolution because this is a different issue.
Councilmember Meinzen McEnerny stated that she does not agree with Mayor Galambos. Should there be a surplus, it is the intention of Council to consider giving it back to the citizens. That would be a better way of doing it rather than at the end of the year, having the unanticipated surplus and a wish list. She would support a separate resolution.

Councilmember Fries stated that she supports Mayor Galambos statement.

Motion and Vote: Councilmember MacGinnitie moved that if a surplus is achieved in the 2009 budget, that 50% of such surplus will be used to reduce the property tax revenue in the 2010 fiscal year budget by, in accordance with all applicable laws, reducing the 2009 millage rate in the appropriate amount. Councilmember Meinzen McEnerny seconded the motion. The motion carried 3-2, with Councilmember Fries and Councilmember Jenkins voting in opposition.

Vote on Main Motion: The motion carried unanimously.

Millage Rate

To receive input as it relates to establishing a millage rate to be levied for the tax year 2008 as required by O.C.G.A. Section 48-5-32 et seq.

Blythe Jeffers, 650 Riverchase Ridge, questioned the millage rate process.

Mayor Galambos explained that the millage rate multiplied by the assessments is the total tax revenue. The commercial assessments went up, therefore, multiplying the millage rate by higher tax digest increases total revenue. State law requires the City to advertise even though the City keeps the same millage rate in effect but in effect raised total revenue from the property tax.

Sherian Wilburn, 100 Allen Road, President, Sandy Springs Chamber of Commerce, stated on behalf of the business community they appreciate the goodwill gesture. Approximately 60% of the City's projected revenue for the coming year, 45.3% from commercial property and another approximately 13% projected from business and occupational taxes comes from the business community. As was stated earlier, this assessment affects this business community. While there has been discussion over the past two months, commercial property has not been reassessed since the early 1990. While there has not been a countywide reassessment of all commercial property there have been multiple spot reassessment of commercial properties. Sandy Springs commercial property was reassessed two years ago according to the tax assessor's office. She pointed out how critical is that the community bare in mind the place the business community plays. Every dollar that is taken out of commerce is one less dollar there is to support what is going on in the community. Businesses have to compensate somehow. Some businesses in Sandy Springs is facing another 250% appraisal assessment increase. That money has to come out of something and in many cases it comes out of jobs, salaries, failure of businesses being able to expand and this is a time the economy is very tight and the price of energy is going up daily and the price of petroleum is sky rocketing. Inflation is hitting everyone. The business community is no different than your homeowner. If Sandy Springs is going to be a desirable place for a community of businesses to locate then it should be business friendly.

Mayor Galambos closed the public hearing.

Morgan Falls Master Plan

To receive input regarding the proposed Morgan Falls Park Master Plan.

City Manager McDonough requested that City Council remove the River Park portion of plan for consideration and recommended moving forward with the ballfields and dog park area of the master plan.

Lose could not be here tonight to give a full presentation for an update based on some of the public feedback received on the River Park area. They have made a big step in the right direction.

Updated drawings of the Master Plan will be put on the City's website in order to get public feedback. A presentation will be given to Council at the July Work Session and continue this process so that in August Council will be in a position, after additional public feedback, to adopt this portion of the Master Plan.

Mayor Galambos called for public comments. There were no public comments.

Consideration of approval of the proposed Morgan Falls Park Master Plan.

Motion and Vote: Councilmember Fries moved to approve the Morgan Falls Park Master Plan removing the River Park, as recommended by staff. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

City Manager McDonough explained that based on the action Council just took on adopting the Master Plan, staff will move forward and is in the process of finalizing contracts for the park portion. This should start in the next two weeks and will now move into the next phase of the ballfield development based on the adoption of the FY09 budget. There is funding in the budget to address some of the expansion at the ballfields. Staff is working very closely with the Youth Sports leadership and will move this process forward. Staff will keep Council updated on the progress.

Councilmember Fries questioned how much Phase II would cost on the River Park Plan. City Manager McDonough stated those numbers will be developed over the next several weeks.

Councilmember Jenkins stated that the City has set aside money for Phase I of the ballfields. She questioned the cost of the plan. City Manager McDonough stated that it was approximately $4.2 million and there is three-fourths budgeted in this year's budget.

Zoning

Rezoning

City Clerk Rowland read the zoning rules.

RZ07-021/U07-008/CV07-020 (DRI) - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP-To rezone the subject property from O-I conditional and R-2 to MIX for the development of 300 residential units, 1,125,000 square feet of new and existing office space, 50,000 square feet of retail space, and a 200-room hotel, with concurrent variances and a use permit to exceed the maximum district height.

Motion and Vote: Councilmember DeJulio moved to waive the rules of procedure regarding time limits for this hearing and allow a fifteen (15) minute time limit for RZ07-021/U07-008/CV07-020 (DRI) - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Senior Planner Ruffin stated that this is a rezoning application from the O-I district and R-2 to MIX district for the development of 300 residential units, 1,125,000 square feet of new and existing office and financial institution space, 50,000 square feet of retail and restaurant space, and a 200 room hotel, with concurrent variances and a use permit to exceed the maximum district height.

The application was heard at the March 3, 2008 Planning Commission hearing. The commission recommended approval subject to deletion of the sixteen story office buildings and approval of the variance as requested without the signage package that was presented by the applicant.
The petition was heard at the March 18, 2008 Council hearing. The Council deferred the petition to allow the applicant time to revise the site plan with instruction.

The applicant submitted a revised package on May 15, 2008 and determined that they would maintain the site plan originally submitted at 1,125,000 square feet of office space but offered to provide additional roadway improvements at the intersection of Glenridge Drive and Hammond Drive.

Staff is recommending approval as requested by the applicant subject to staff's conditions under the condition that Glenridge Drive and Hammond Drive improvements are amended as presented.

Councilmember Meinzen McEnerny requested that Ms. Ruffin read the last motion into the record made by Council at the May 18, 2008 meeting.

Senior Planner Ruffin read the motion for the record. "Councilmember Meinzen McEnerny moved to defer the petition to the June 17, 2008 regular meeting in order for the applicant to revise the plan and to reflect the general density component to Live Work Community. Councilmember Jenkins seconded the motion." There was some discussion between all members of the Council as to whether or not the Live Work Community should be applied by the applicant. The vote carried 5-1, with Councilmember Fries voting in opposition.

Carl Westmoreland, 1545 Peachtree Street, stated that at the last meeting the petition was deferred. He takes the purpose of Councilmember Meinzen McEnerny's question to be whether or not the applicant was complying with the directive of the Council to come back and address the Live Work Community plan as it is applied to this property. The applicant dealt with all of the issues except traffic. They eliminated the freestanding retail, increased the setback and decreased the height on Glenridge. These items are reflected in the conditions. Traffic was and still remains the issue. On May 28, 2008, the applicant met with staff and discussed this issue. The sole focus of the applicant and the staff's attempt has been to amend the plan since that time. It was clear that the applicant could not negotiate density down enough to address the traffic problem. They were told over and over that the existing traffic on Glenridge and the general area is intolerable. The applicant searched for what could be done to alleviate the traffic capacity of the road system. One building was dropped from their plan of the two, sixteen story office buildings. Clearly, that was not acceptable. In discussion with the City Traffic Engineer, Mr. Moore described the problem as a "bottle neck" intersection. The conditions existed at that point for funded traffic improvements in addition to the general decel lane and intersection improvements. At the applicant's expense, improvements were made. An additional lane going westbound on the I-285, both on the ramp and on Glenridge heading to the ramp. In addition to that, the applicant took the City's plan and worked with Mr. Moore and the planning staff to come up with a condition. The new condition is much more specific with regards to the improvements that the developer is obligated to make. The applicant has also agreed to the conditions of the Certificate of Occupancy on either of the new sixteen story buildings and to the implication of those improvements, both at the Glenridge/Hammond intersection and at the Glenridge/I-285 ramp. Because of all of the discussion of staff and neighbors, the applicant had to make more traffic improvements in order to justify and to afford the traffic improvements that they have committed to. The applicant felt that he needed to revert to the original plan. The traffic situation has improved beyond what exists today. The focus of the developer was to come up with a way to have intersection improvements that would work to alleviate the problem and find a way to fund them at no expense to the City. The applicant will address these issues.

De Little, 609 Charlton Court, Applicant, stated that the issue is traffic, and in particular, the issue is between the hours of 1:00 p.m. to 6:00 p.m., Monday through Friday. Lakeside, at its full build out of their master plan, will generate an additional 869 cars an hour leaving the site. That translates to 14.5 cars per minute. The focus of this zoning is 14.5 cars per minute.

Level of Service Criteria for Signalized Intersection: Grade A - if the average time to get through an intersection is 10 seconds, Grade F if the time is greater than 80 seconds.

Assuming the project is built, the compounded growth rate for the year 2011 would be additional 19% cars. At that time, in the morning period, Glenridge Drive would be Grade A and Glenridge Drive at Hammond would be Grade F. In the future morning period, assuming 100% build out of project is done with the two office buildings, apartments, retail, and the hotel, the intersection would go from Grade F to Grade A, and would put 73% of improvements in place.

Glenridge and Hammond would go from Grade F to Grade E, goes from 168 seconds to 64 seconds, 163% improvement.

Base evening period, unimproved is a Grade F, future evening period improved after 100% build out with addition of improvements at Glenridge and Hammond goes to Grade C at Glenridge and I-285 and goes to Grade E. The cars go from 99 to 25 and from 89 to 68 cars.

The project is a great design, and with the improvements, it will help traffic flow better. The applicant believes that their improvements will be better than it was before and will be part of the solution for traffic.

Today, Lakeside is embracing a plan with the Perimeter Transportation Coalition currently in the perimeter, 85% of people coming to work are in cars and driving by themselves. This is better than metro Atlanta which is about 88%. They have in place a MARTA Shelter, 10 to 12 minutes each way and only 2% to 4% employees ride MARTA. According to experts, the only way to make a difference in the flow of traffic is to reduce the single occupancy vehicles, and have van pooling, car pooling and incentives to go along with that.

Lakeside has asked the Perimeter Transportation Coalition to work with Lakeside's property manager and all the tenants to assemble this opportunity at Lakeside.

Mayor Galambos called for public comments in opposition of this petition.

Peter Novotny, 5800 Hilderbrand Drive, President, Glenridge Hammond Neighborhood Association, stated that he is here tonight representing an area coving 480 homes. He spoke on a similar topic three months ago. At that time, he provided their concerns about the density of the project for the Glenridge Hammond corridor. He had asked Council to consider putting controls around that project by capping the development growth with Live-Work-Community designation. He and the association are very pleased to hear that it was requested of the developer to go back and work with the communities to come up with a design that has Live-Work-Community designation of the guideline. The current proposal on file does include the additional traffic improvements as was just referenced at Glenridge and Hammond. It is a good edition, but it is not what was asked for. The overall density was not addressed in traffic concerns; that is only a reduction in the density in the proposal overall would do. The outstanding concerns surrounding the density within the proposal which contributes to that are an estimated 10,000 to 11,000 incremental trips per day; the cut through traffic to the neighborhood across the street and traffic congestion traveling south on Glenridge which is estimated to be around 65% of the incremental traffic to the area. This is one development on Glenridge Drive and there are still plenty of other properties adjacent to that down the street. This includes the City's changes that would move it in the direction of Live-Work-Community density something that was requested by Council on March 18, 2008. An analogy of this that comes to mind is the Glen Lake Project that happened recently in the traffic congestion there. The Glenridge Homeowners Association is disappointed as far as where the situation stands and requests that City Council support their neighborhood in opposing this plan as it currently stands.

Doug Facigllia, 5925 Brookgreen Road, stated that he is very excited about the possibility of working towards a plan with the Live-Work-Community designation that Council discussed at the March 18, 2008, meeting. This parcel does not qualify for Live-Work-Regional land use designation. The Comprehensive Plan states that the Live-Work-Regional is a high intensely dense category that applies to adjacent and major transportation interchange as well as rail transits stations. This property meets neither qualification as it is adjacent to the I-285 westbound entrance on the nearest MARTA Station. This is an unprecedented circumstance as there are no other parcels with multiple land use designations in the City other than parcels falling in the circles around MARTA stations. There is no way to get to the Live-Work-Regional portion of this property without crossing Live-Work-Community portion. It is very apparent that this Live-Work-Regional land use does not meet the criteria in the Comprehensive Plan. The total office and commercial density proposed is about 47,000 square feet per acre, nearly doubling the density that is allowed under the Live-Work-Community Designation which makes up over 60% of this parcel. Staff has estimated that Live-Work-Regional portion of the property is about 10 acres. The two (2) sixteen (16) story office towers on that portion of the parcel total about 800,000 square feet or about 80,000 square feet per acre. That is higher than the office density on the Concourse which is zoned for about 72,000 square feet per acre. The Concourse has a far superior transportation system supporting it than does this property with three major entrances on three sides including a road built by the developer. It also has a close proximity to two MARTA Stations. The area in which this development is proposed does not have the transportation system to support the 10,000 to 11,000 additional daily car trips in the incremental 3,000 office commuters. MARTA will not be a factor in this. MetLife is not an oddest in this field; it would not have purchased this property if it did not have economic value as it is currently zoned. If there were concerns about the land use designation and zoning potential the properties contract would have likely contained a zoning approval contingency. MetLife purchased the property outright prior to applying for rezoning. He requested City Council to deny this project as being presented and direct the applicant to use Live-Work-Community designation as a guideline. This is not the right place for development of this proposed magnitude. The Live-Work-Community is the appropriate land use for this location. It is a reasonable compromise and will allow the developer to increase the density over what is currently on the site.

Kent Garner, 435 Winfield Glen Court, stated as President of the Homeowners Association, he addressed City Council, three months ago, describing his homeowner's reasons, which remain unchanged, for opposing this project as it was then proposed.

He was pleased, at that time, to hear Council clearly request that the developer go back to work with the neighborhoods and put together a plan that reflects the Live-Work-Community development guidelines.

Unfortunately, the follow-up by the developer did not happen. The neighborhoods were not asked to engage in discussions of modifications as Council directed. He understands that the proposal now before City Council does not include any changes that move it in the direction of Live-Work-Community. Clearly, the developer ignored City Council instructions. Therefore, he asked again that City Council deny this application as presented and direct him to engage the neighborhoods, and develop a plan consistent with Live-Work-Community density. His neighborhood adjoins Lakeside and he does not want to be adversely affected like the neighbors of the Glen Lake project have been. He understands that homeowners surrounding Glen Lake are unable to exit from their neighborhood between 4 and 7 p.m.

He ask this because the supposed "problem", that is the Glenridge/Hammond intersection, that the developer now offers to solve by adding turn lanes was never identified previously by any involved party as a problem caused by Lakeside. This is a diversion from the true and significant traffic problem, the Glenridge/I-285 westbound interchange.

He asked this because of the precedent that zoning approval under these circumstances may be set. That is, the perception that if the developer funds a city project he will receive in exchange, favorable zoning treatment. Perception can become reality in the voters' minds.

For these reasons, he requests that City Council deny this rezoning request.

Patricia Freeman, 5965 Greenbrier Road, Glenridge Hammond Neighborhood, stated that if she ever gets stuck in the Perimeter back to Glenridge Hammond, she has to go down to Peachtree Dunwoody and come around. Traffic is a nightmare right now and she can not imagine what it will be like later on. She would like the developers from Lakeside to provide City Council information on where they plan on getting the extra water to drink and substain for employees and the landscaping because there is not enough water now. She is not requesting denial, if this project improves the community that is fine. She would like for every detail to be checked. This is not a good time to be developing an area where there is not enough water and has too much traffic already.

Trisha Thompson, 145 River North Drive, read the following email into the record. "Mark King .Analysis"

"Another very important issue is the impact on access to Pill Hill. Creating a grid lock situation here (and that is what the proposed project will do unless it becomes an economic disaster) would result in curtailment of future development at Pill Hill (constricted access for patients and providers). It will add to the time needed by patients to get to medical care, and in cases involving emergency critical care, it could and likely will result in some additional complications or even deaths.

Basically the issue here is that the developer wants the site developed at Regional-Live-Work density and because of its location and the surrounding infrastructure there is no way to accommodate this. Perhaps intersection improvements can be made to help support an increase in density to Community-Live-Work density, but not more. The proposed project is just too dense for this location.

I sincerely think the proposed project should be turned down at this level of density."

Ms. Thompson stated that two days after the March meeting at which Council directed the developer to meet with the applicant, the following Thursday morning she contacted Carl Westmoreland and told him they were ready and eager to meet with the developer and engage in dialogue once again. Their Homeowners Association has heard nothing since. Wednesday morning Carl called her and said he would like to meet with her if possible. At that time Council asked for community input in community meetings but nothing happened. She went to staff and staff provided staff's view which was an improvement. She then went individually to City Council members and that is all that was heard. The developer did not meet with the community. The homeowners association supports the increased use of this project to Live-Work-Community and the density would be sufficient to meet this viable and manageable property.

Richard Farmer, 6080 Glenridge Drive, stated that the suggested improvements at the intersection of Glenridge Drive and Hammond that the applicant is proposing to do with the City would involve taking a portion of Hammond Park to create another turn lane going east bound on Hammond Drive. He asked why the City would let someone take a portion of the Park. The turn lane would be close to the play area at the park.

Thaea Lloyd, 570 Valley Lane, Glenridge Hammond Neighborhood, stated that she reiterates the statement regarding the Hammond/Glenridge intersection and the possibility of the developer improving that. She got the impression that it would not be a very expensive project. She would like the Glenridge neighborhood to have the same opportunity to fund the enhancement of the park if it would garner a favorable vote towards Live-Work-Community.

City Clerk Rowland read the following comment cards into the record.

Mr. & Mrs. Russell Redding, 1150 Kingston Drive, N.E., Ridgeview Neighborhood Association: Water resources impacted negatively; Traffic will be gridlocked; Emergency vehicles could not serve community/hospitals.

Sybille Rionda, 1195 Kingston Drive, N.E., Ridgeview Neighborhood Association: Too much traffic increase, difficult for emergency vehicles, not to mention the huge necessity for water! Too many offices and apartments already!

Mr. Westmoreland stated the issue is the traffic. With regards to some of the comments made about reviewing this in a vacuum as Mr. Little said, there is a fairly substantial and actually more substantial than normal background traffic factor that is in all the figures that you got. In terms of taking property from the park, the developer is not taking any part of the property that would be functionally used at the park. These improvements were a part of the City plan and were simply deferred. With regard to the developer getting back to the neighborhood and being cooperative with them which has turned into a large part of this discussion. Mr. Westmoreland stated that he did call Ms. Thompson but not to ask if she wanted to meet. He told her where they were in the process and said he assumed that there is no reason to meet because they were not addressing the issue the way she had wanted them to. He did not see the point in wasting anyone's time.

The developer had a meeting called by the staff on May 28, 2008. There was not a great deal of attendance and the issue at that time was in regards to traffic. They did not address the Live-Work Land Use Plan. The verbatim discussion from the meeting of March 18, 2008 of what the developer would do is in the packet. Councilmember Meinzen McEnerny had stated that she had wanted to bring it up because that is what the plan calls for. Actually, that is what the plan calls for on part of the property. The discussion before the motion went on to say that "if you use that then you just increase the residential and do not know if that is acceptable. Councilmember MacGinnitie had stated that the best solution is some creativity. Councilmember Fries had stated that she was uncomfortable with tying their hands to Live-Work-Community. He believes that all the reasons for those comments was that Council recognized then as they did before that the issue was addressing the traffic problems. It is not density for the sake of density; it is density because density creates traffic. Staff has described in writing the conditions in which the developer has committed to in terms of traffic improvements. The developer has worked with Mr. Moore and the planning staff and agrees that the improvements the developer has suggested actually result in the improvement of traffic as they have described. The City staff has recommended approval of this. Staff feels this is a good solution to the problem. Coming down to the density of Live-Work-Community was not an acceptable outcome for the applicant with or without these traffic improvements. It would have been a waste of time for everyone had they come up with a plan and acted as if it was acceptable to anyone when it clearly was not. The improvements that they have suggested; you are protected because they can not get permits until they are made to feel that the problem is addressed.

Mayor Galambos closed the public hearing at this time.

Councilmember DeJulio stated that he has received over 200 emails all in opposition of this application. One of the emails received came from the Children's Healthcare System of Atlanta with concerns regarding this project too. He has been working with them behind the scenes on traffic issues to find ways to save time for Children's ambulances. Children's Healthcare of Atlanta is very concerned about this traffic and what it would do on response time for ambulances. This does not apply for them, only for the other two hospitals here. One thing that has really bothered him about this particular project is the traffic. Sometimes he will go through this intersection between 5:30 and 6:30 p.m. and it is backed all the way up to Hammond Drive. Part of the developers solution is to put two left hand turns on Hammond Drive going south on to Glenridge and that will only allow the traffic to get there faster to backup. He does not see what that will accomplish. If the developer had told him a way for people to get on I-285 a lot faster, that might be something else. Councilmember DeJulio's real problem with this is that across the street, part of the project is to put two turn lanes on to I-285 which approval has not yet been given. If the developer puts two turn lanes on I-285, the people coming out of the old GM building are not going to be able to turn and they will then be requesting an entrance onto Glenridge Forrest. The City has given its word to the people who in the Glenridge/Hammond area that it would not allow that office building to get onto the Glenridge Forrest. It would be a real detriment to them. In addition to that, traffic coming out of the project, even with turn arrows, people can still go forward, still go straight and still go into the Glenridge/ Hammond Hills area and use this as a cut through. He believes that this project is too dense with too much traffic and is not the place for this type of project. The developer needs to come back with a plan of Live-Work-Community for a much less dense environment.

Motion and Second: Councilmember DeJulio moved deny RZ07-021/U07-008/CV07-020 (DRI) - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember Jenkins stated that she spent an hour getting to City Hall from Hammond. Her daughter's swim team swam against Hammond Hills. Her mother in law picked up her children at 4:30 p.m. from her house which is right off of Glenridge Drive. At 5:00 p.m. she was sitting at the intersection of Glenridge and Hammond and could not move. The swim team was supposed to be there at 5:10 p.m. to warm up. Traffic was completely backed up. She spoke with staff about the situation and was told that Glenridge Drive was backed up to Mt. Vernon Highway due to the ramp meters. The ramp was packed and no one could even turn onto the ramp. She stated that if more density was put on this site, it would not fix any of the problems. Councilmember Jenkins stated that she has concerns about getting to and from the hospital and explained that if an ambulance, fire truck or a police car needed to get through, there would be no room for the cars to go. The traffic studied showed 900 round trips of p.m. peak hours, 1,000 inbound trips at morning peak hours, and assuming there is a two minute light cycle and the proposed single lane left out at signal, perhaps eight cars per cycle could get out. That means that 240 cars, less than half, will get out in that hour. What would happen to everyone else stuck inside the complex. Councilmember Jenkins stated that she does not know how tenants could be in there because they would not be able to cycle out at the light. There is no way to get 14 cars out at a two minute light cycle. There has always been an issue with this. This is a bad piece of property to do anything on. She believes that the developer will have to wait until the south side of I-285 develops and figure out a way to dig a tunnel for vehicular traffic so that there is more than one access point. The problem with this parcel is the one access point. Concourse has two or three access points and the road. Major complexes have more than one way to get traffic in and out and this is the problem with this parcel. This is why she made a second to denial.

Councilmember Meinzen McEnerny stated that she would like to applaud the applicant for understanding one of her earlier concerns. This property does have a Live-Work-Regional component on it because as the opposition has indicated, it is within a half mile of a MARTA and could be considered a transit oriented development. The applicant worked very hard looking at the MARTA schedule and is currently willing to provide a shuttle. One of the concerns she has with this project is that the underline tenants of the Comprehensive Land Use Plan showing the Live-Work-Regional are not met in this site in that it is 1.3 miles walking distance from the MARTA.

In the studies that she worked with the applicant on, the average distance timeframe that a pedestrian would walk from a MARTA or Rapid Transit Station is about eight minutes. The applicant's shuttle during peak demand is expected to run in 20 to 25 minute cycles, round trip. Yet, compared to the MARTA schedule, during weekday peak service from 6:00 to 9:30 p.m. it runs every 10 minutes. Technically, if someone missed the shuttle that came between ten and twelve minutes, that person could possibly wait another ten to 12 minutes. The applicant's shuttle does not meet the threshold that she was looking for which was to make it accessible via shuttle as if it had pedestrian access.

Councilmember Meinzen McEnerny stated that another concern is that it only has access on one road. There have been comparisons to Concourse. Concourse is served by an internal access road, a green road around one property and three entrances on Hammond and one on Peachtree Dunwoody. Corporate Campus is the same way. This site with one access and one road which is Glenridge she can not support any additional density of the Live-Work-Community on that.

Councilmember Fries thanked the applicant for trying to work through the issues of traffic and the density surrounding the neighborhoods. She has two concerns with this application. One of the concerns is the single access. She wished that there was a way to alleviate that issue and the other is the MARTA access. It is clear in the City's Comp Plan that was approved by City Council in November that Chapter 1 discusses the Live-Work Category and its intent. The intent was to encourage the use of alternative transportation which is the MARTA. There is not a feasible access to it at present and the reason why this piece of property, even though its got Live-Work-Regional is because of the distance from the MARTA stop. In reality, if you can not utilize the MARTA Station, it does not warrant the Live-Work-Regional classification. The City's intent was clear on the Live-Work-Regional nodes. This piece of property has potential. Councilmember Fries stated that she is not as concerned with the amount of density. Her concern is what to do with them. The applicant can come up with something that will work for everyone but, it will have to have another access. She really would like for the applicant to consider withdrawing the application because it may very well put a hold on this for a minimum of six months and believes there is an opportunity here for the applicant. She believes this to be a viable project that has some problems that Council can not get passed.

Councilmember MacGinnitie stated that the problem is with traffic and striking the right balance is tough circumstance. His fear about denying the application is that the City will be left with an obsolete office park with the same traffic issues that are here today and will only get worse. His fear about granting the application is traffic and gridlock. For him, the answer is somewhere in the middle, either the Live-Work-Community or what the Planning Commission was willing to recommend. The neighbors would get some traffic improvements that will help them and as well get a reasonable development. The solution to this is not obvious tonight.

Vote: The motion carried 3-2, with Councilmember MacGinnitie and Councilmember Fries voting in opposition.

RZ08-009/U08-004/CV08-005 - 5825 Sandy Springs Circle, *Applicant: Spring Garden Properties, LLC*-To rezone from C-1 conditional to C-1 for the development of an 83,500 square foot office building with retail and restaurant components, with concurrent variances and a use permit to exceed the maximum district height. Ordinance No. 2008-06-22

Senior Planner Ruffin stated that this is a rezoning request to rezone the subject property from C-1 conditional to C-1 for the development of a 71,000 square foot office building with service commercial and special event space components on the 0.125 acre site. The applicant is also requesting two (2) concurrent variances and a use permit to exceed the maximum district height.

The application was heard at the April 22, 2008 Design Review Board meeting. The Board recommended denial of the request as presented.

The petition was heard at the May 15, 2008 Planning Commission hearing. The Commission recommended approval of the request subject to the MIX zoning classification, limiting the maximum building height to (4) four stories or 60 feet, addition of development standards under condition #3, and the remainder of staff conditions.

Guy Weiss, 5059 West Peachtree Street, Representative stated that the proposal before City Council is to build a multi use property of commercial development of office space, some retail space to accommodate the tenants that are in the building and a banquet hall/events facility on the roof. The reason for this is that this particular property is located very close to I-285 and felt that it was a good use of the roof space to have a banquet hall and would not take any space during the day; most of the events will be held at night and will not be very large.

He displayed the original rendering of the building that is not part of this application. Originally, the applicant had the building designed as environmentally friendly; however, it did not look as good. Therefore, the applicant incorporated a lot of brick structures and made the building look as the other buildings around it.

The City staff has recommended a 90 foot, six (6) story building which the applicant believes he can work with. The problem is that staff is also recommending a density of 10,625 square feet for the property which is lower than the density on the parcel to the southwest and southeast of the subject property. This property is just under half an acre and it is almost impossible to get by the property. There is nothing that can be done with a half acre and the applicant can not combine the two and have a viable building. Both buildings are relatively new. There is nothing that can be done to meet the requirement by pushing together different property sizes.

The applicant is requesting two variances in order to accomplish this task. The first variance request is to reduce the (10) ten foot landscape strip along the north and south property lines adjacent to property zoned O-I. The second variance request is to reduce to five (5) feet the fifty (50) foot buffer and ten (10) foot improvement setback along the east property line adjacent to property zoned A-L.

The first variance is necessary due to the extraordinary and exceptional conditions pertaining to the property because of its size, shape, and topography and if not granted would create an undue hardship on him. Additionally, similar variances have been granted on neighboring properties.

The second variance is necessary due to the extraordinary and exceptional conditions pertaining to the property because of its size, shape, and topography. Additionally, the below grade structure parking can not be accommodated if this section of the Zoning Ordinance is applied.

The applicant is also requesting a use permit to exceed the maximum district height of 90 feet (6 stories) by constructing the building at a height of 123 feet (10 stories).

Deborah Harris, 250 Halah Circle, Real Estate Agent, stated that she sold this property to the purchaser and did a due diligence before they went into a finalized contract. During the due diligence period, they met with Ms. Leathers and looked at the Master Land Use Plan and saw that the applicant would need 20 feet from the rear and 10 feet on either side and could go up as high as six (6) stories based on the Master Land Use Plan and a variance could take it even higher. Additionally, they have looked at the land estate across the street. Initially, they were meeting with Mr. Black and now with Mr. Black's son. Mr. Black's son realized that Sandy Springs was trying to limit his ability to function on the small tract before they had a final situation on the other contract and did not sign it because he has to know that he will be able to develop on the small tract before purchasing the large tract. There are no problems or concerns with traffic at this time, knowing they are putting a tunnel under I-285. The applicant is a reputable builder that has built high rises in midtown Atlanta. It was her suggestion that the applicant come to Sandy Springs. She was hoping to have a good reputable developer do this project as well as the property across the street.
Mayor Galambos called for public comments.

Craig Wagner, 5855 Sandy Springs Circle, stated that he is one of the Board of Directors of the building immediately to the north of subject property. The subject building is five (5) years old and has nine (9) owners in the building. His law firm owns the top floor of the building. It is a three (3) story stucco building with parking at ground level underneath the building. It sits on about 1.23 acres of property, 31,000 square feet of finished space in the building, density about 25,000 square feet per acre. In contrast, this property immediately to the south of them is on .425 acres which is one third the size of their property. The applicant is requesting 71,000 square feet of building space on the property which is three times the size of what their building is. They are requesting ten (10 stories) which is three times taller than their building. The applicant's density per acre is 167,000 square feet per acre which is five times greater than their density. If all of that does not make it perfectly obvious as to why they are opposed to the application, they think the density is off the charts. As stated, Concourse's density is 71,000 square feet per acre and this is 167,000. The application before this one was 48,000 square feet per acre. That would be ten (10) stories which are way too high for this interior lot and it will tower over them. The zoning allows six (6) stories and the Planning Commission recommended no higher than four (4) stories. The building scale and the mast that has to be built on this four tenths of an acre would be incredible to get to the 71,000 square feet that the applicant is seeking which is way too much development for a lot this size. The lot building would be totally inconsistent with the surrounding properties starting with theirs, to the south and to the west on the other side of Sandy Springs Circle of businesses in ranch homes. They believe it would have an adverse impact on the value of their property. It would clearly block the sun on the south side of the building. His office is on the third floor and they would be looking across at two levels of interior parking and the rest of the stories that would be above them.

The amount of traffic that would be coming in and out of that lot is a concern. The curb cut is going to be very close to the intersection of Allen Road and Sandy Springs Circle. It is already a difficult intersection to turn onto Sandy Springs Circle from either direction of Allen Road. Beyond that, they believe that zoning this property to the level of request, an interior lot of four tenths of an acre in Sandy Springs is a horrible precedent and one the City Council would be fighting continually.

The Board of Directors agrees with the staff's recommendation and with the Planning Commission's amendments to it. The Directors believe that the building should be no higher than four stories or 60 feet. The density should not exceed the 25,000 square feet per acre. The Board of Directors request Council's support in denying this application and to the extent if not comfortable in denying it, at least adopt the recommendations of staff which the Board of Directors totally agree with as amended by the Planning Commission.

Mr. Weiss stated that the applicant does not have a problem with the six stories, 90 foot recommendation of staff. The applicant has a problem with the density requirement for various reasons. One, the two properties to the south have a higher density than them and is even smaller and is not being taken into consideration. The property to the north of them has 25,257 square feet of density per acre. There is also an eight (8) story building to the east of subject property. Council should look at the circumstances of this particular property and approve the six (6) stories without the density requirement. He would like to reserve the constitutions challenges that were raised with the City Attorney yesterday.

Mayor Galambos closed the public hearing at this time.

Motion: Councilmember Fries moved to approve RZ08-009/U08-004/CV08-005 - 5825 Sandy Springs Circle, Applicant: Spring Garden Properties, LLC with staffs recommendation and the Planning Commission changes; change zoning classification to MIX, limiting the maximum building height to 4 stories or 60 feet, addition of development standards under condition #3, and the remainder of the following staff conditions.:

1. To the owner's agreement to restrict the use of the subject property as follows:

   a. Office, service commercial, event space and associated accessory uses at a density of 25,000 square feet per acre or 10,625 square feet, whichever is less.
   b. The maximum height of the building shall be 4 stories or 60 feet, whichever is less.

2. To the owner's agreement to abide by the following:

   a. To a revised site plan to be submitted to the Department of Community Development. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

   a. The minimum design standards are:

      Minimum front yard: 12 feet
      Minimum side yard: 10 feet adjacent to O-I; 5 feet adjacent to C-1
      Minimum rear yard: 5 feet
      Minimum Common Outdoor Area: 20% of the total site area shall be common outdoor area maintained by the property owner(s)

   b. The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Sandy Springs Circle along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

   c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation, except that a masonry entry wall shall be allowed in the area of reservation subject to an indemnification agreement filed by the owner/developer with the City of Sandy Springs.

      Forty-five (45) feet from centerline of Sandy Springs Circle

   d. To reduce the required fifty (50) foot buffer and ten (10) foot improvement setback to a twenty (20) foot landscape strip planted to buffer standards along the east property line adjacent to property zoned A-L (Apartment Limited District). Said plantings shall be subject to the approval of the Sandy Springs Arborist. (CV08-005)
   e. The external lighting in the development shall be screened, cut-off type and shall not glare into adjoining residential properties.

   f. To a maximum illuminance level of 0.5 foot-candles along all property lines abutting residentially zoned property.

   g. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in the previous condition and illustrating the proposed lighting fixtures.

   h. Should the owner/developer construct above grade structured parking, said parking deck shall have a screening treatment which shall include, but not be limited to, vegetation and plantings. Said parking deck and screening shall be subject to the approval of the Sandy Springs Design Review Board.

Second: Councilmember Jenkins seconded the motion.

Discussion on the motion: Councilmember Meinzen McEnerny stated that staffs recommendation on the landscape buffer was to deny. She questioned if Councilmember Fries motion brought the landscape buffer back to 10 feet.

Councilmember Fries stated that her motion includes staffs recommendation except the addition of the setbacks she suggested. Councilmember Meinzen McEnerny questioned if her motion would keep the landscape buffer at 10 feet per staffs recommendation. Councilmember Fries confirmed that the landscape buffer is 10 feet.

Councilmember MacGinnitie questioned staff on the Planning Commission recommendation of reducing the height of six (6) stories to four (4) stories.

Senior Planner Ruffin stated that the Planning Commission felt that it was more consistent with the building to the north and would allow a better transition.

Councilmember DeJulio questioned if the City had this type of density in Sandy Springs. Senior Planner Ruffin stated that she was not aware of any.

Councilmember Meinzen McEnerny stated that due to the small size of this parcel, the applicant indicated they were not able to acquire any more land and therefore, this was the only feasible size they could possibly build on. She does see that there is a low rise ranch directly to the south of this property. Should that property be brought into assemblage, Council could probably support some of the higher density as the applicant is requesting. That was clearly her intent when discussing the Comprehensive Land Use Plan and to encourage assemblages to get the higher density. She supports Councilmember Fries motion that this type of density on the applicant's small piece of property is inappropriate for this area.

Councilmember Jenkins stated that staff mentioned in their notes that density and heights of a significant nature such as 176,000 square feet per acre or ten (10) stories should not be supported on properties less than four (4) acres in size, increase levels of open and green space, limiting direct access to Roswell Road and improving the area of transportation network shall be important considerations for the highest densities and building height. Unfortunately, this application does not meet any of those requirements. The applicant mentioned that there is land on the other side of the street which is on a larger tract. This is where the applicant would be able to accomplish some of the goals, but not on half an acre. The whole Comprehensive Plan, every time it came up, was trying to figure a way to assemble these small parcels. Council does not want buildings going straight up on half an acre. That was not the idea behind the Comp Plan. If the applicant would go back and read the minutes on any Comp Plan meetings, that is what Council said over and over again. Later on in the meeting there is an item on the agenda that will clarify that for Live-Work-Community you must have X number of acres, neighborhood X number of acres and Regional X number of acres. Council felt that it was made clear but clearly that is not the case and Council is going to revise it tonight. Even in the original plan it was said that it must be a minimum of four (4) acres and this application does not meet that.

Director of Community Development Leathers questioned if the motion included the MIX zoning. Councilmember Fries confirmed that it did.

Vote: The motion carried unanimously.
RZ08-011/ CV08-009 - 124 & 126 Johnson Ferry Road, *Applicant: 124 Johnson Ferry Road, LLC*-To rezone from O-I conditional to O-I to maintain the existing office buildings and to add a 250 square foot enclosed walkway between the two structures with concurrent variances.
Ordinance No. 2008-06-23

Senior Planner Ruffin stated that the applicant is requesting to rezone the subject property from O-I conditional to O-I to maintain the existing office buildings and to add a 250 square foot enclosed walk way between the two buildings. The applicant is also requesting four (4) concurrent variances to allow existing conditions to remain on the site.

The petition was heard at the March 25, 2008 Design Review Board meeting. The Board recommended approval of the request; except that for Variance #2, regarding the buffer along the north and west property lines, the applicant should be required to provide the full buffer where possible and any reduction should be limited to the area around existing improvements.

The petition was heard at the May 15, 2008 Planning Commission hearing. The Commission recommended approval subject to staff conditions amended to require the installation of the standard streetscape prior to the issuance of the certificate of occupancy for the building currently being renovated and to the owner/developer being required to submit a combination plat to consolidate the two existing parcels.

Scott Boggro, 124 Johnson Ferry Road, NE, Principal of Gregory Greenfield & Associates, stated that in August of last year the applicant was acquired by a company to take on some of the responsibilities and saw the need to expand and acquire 126 Johnson Ferry Road, which is a small building, formally occupied by the Field Office Society. The applicant found a need to renovate the building to make it into compliable office space to what they have at 124 Johnson Ferry Road. The construction on the renovation was started in the spring of this year and anticipates completing the improvements by the end of July or August this year.

As part of the building permit review process, the applicant offered to complete the Sandy Springs Streetscape Improvements across the full frontage on both properties along Johnson Ferry Road and the Land Disturbance Permit for that work is pending. The applicant hopes to have the permit soon in order to complete those improvements with the balance of the renovation on 126 Johnson Ferry Road. The applicant is seeking the rezoning to consolidate the two parcels which are now under common ownership such that a closed bridge connection between the two buildings to allow employees and files to move back and forth without interference from weather and other elements.

As part of the rezoning the property will be unchanged including both the footprint and produce area. The change that the applicant is making is the enclosed bridge connection between the two buildings.

Mayor Galambos called for public comment.

Trisha Thompson, 145 River North Drive, stated that the Sandy Springs Council of Neighborhoods supports this application.

Councilmember Jenkins stated that the improvements and renovations look beautiful and this development is a great asset to the City.

Motion: Councilmember Jenkins moved to approve RZ08-011/ CV08-009 - 124 & 126 Johnson Ferry Road, Applicant: 124 Johnson Ferry Road, LLC to rezone from O-I conditional to O-I to maintain the existing office buildings and to add a 250 square foot enclosed walkway between the two structures, with concurrent variances with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

   Office and associated accessory uses at a density of 11,940.45 square feet per acre or 10,627 square feet, whichever is less.

2. To the owner's agreement to abide by the following:

   To the site plan received by the Department of Community Development dated March 4, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
   a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Johnson Ferry Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
   b. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a

building be allowed inside the area of reservation, except that a masonry entry wall shall be allowed in the area of reservation subject to an indemnification agreement filed by the owner/developer with the City of Sandy Springs.

Forty-five (45) feet from centerline of Johnson Ferry Road

c. To reduce the required forty (40) foot front yard setback as shown on the site plan submitted to allow the existing structures to remain (CV08-009).

d. To reduce the required fifty (50) foot buffer, twenty (25) foot buffer, and ten (10) foot improvement setbacks along the north and west property lines adjacent to residentially zoned property as shown on the site plan submitted. The owner/developer shall be required to provide the full buffer where possible and any reduction shall be limited to the area around existing improvements. Said plantings shall be subject to the approval of the Sandy Springs Arborist (CV08-009).

e. To reduce the required number of parking spaces from 32 to 30 (CV08-009).

f. To allow the existing monument sign to encroach into the right-of-way as shown on the site plan received by the Department of Community Development dated March 4, 2008. Said monument sign shall include the property address. The owner/developer shall be required to file an indemnification agreement with the Department of Public Works prior to the issuance of a Certificate of Occupancy. (CV08-009)

g. The owner/developer shall install the Urban District streetscape improvements consistent with the requirements of the Sandy Springs Overlay District prior to the issuance of the Certificate of Occupancy for the existing 126 Johnson Ferry Road building currently under renovation.

h. To submit to the City of Sandy Springs a combination plat to consolidate the two existing parcels, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.

Second and Vote: Councilmember Fries seconded the motion. The motion carried unanimously.

<u>Zoning Modification</u>

ZM07-010 - 1100 Johnson Ferry Road, *Applicant: Duke Realty Corporation* To modify conditions 1.a., 2.a., and 3.e. of Z83-0185 to change the permitted net leasable floor area to gross floor area, to substitute the approved site plan, and to delete the impervious surface requirement.
Ordinance No. 2008-06-24

Senior Planner Ruffin stated that the applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z83-0185 to change 126,000 square footage of the building to medical office space.

The application was heard at the April 15, 2008 of the Mayor and City Council hearing. The Council deferred the application to this meeting to allow the applicant some time to work out some issues raised at that meeting.

Woody Galloway, 3500 Lenox Road, Representative Duke Reality, stated that this is a very simple application. Duke Reality wants to add 36 additional parking spaces to spruce up the existing office buildings and add a canopy along the front of this building in order to make it more amendable to use as office space. The applicant is not proposing any new square footage, only converting existing general office space to medical office space which requires a higher amount or higher ratio of parking.

Mayor Galambos called for public comment.

Bryan Kovacs, 31 Johnson Ferry Parkway, NE, stated that he lives in the townhomes across the street from this complex. This zoning modification has gone from 180,000 square feet to 120,000 square feet, a significant drop. The central issue here is safety. Throughout this process he has requested a traffic light be installed. He has had several discussions with Tom Whitenberg and people of the staff. Mr. Whitenberg agreed to pay for a traffic light. The Sandy Springs Traffic Engineer gets involved and throws a wrench in the whole thing they have worked out amongst themselves. Mr. Kovac would still like to have a light. Long term, the plans would probably be to expand for more office space. Medical space creates more in and out of traffic. The volumes are higher for medical than office. A traffic light would be a solution to the problem.

Mayor Galambos closed the public hearing.

Mr. Galloway stated that the neighborhood supports a traffic light. This is an incremental step and the applicant would be happy to pay for one. It does not warrant a traffic light at this time. There are additional developments being discussed right now between St. Josephs and the applicant and hopefully at some point the applicant will come back with traffic improvements as well. At this time, the applicant is requesting additional parking spaces that are required in order to convert some of the existing square footage to medical.

Motion: Councilmember DeJulio moved to approve ZM07-010 - 1100 Johnson Ferry Road, Applicant: Duke Realty Corporation to modify conditions 1.a., 2.a., and 3.e. of Z83-0185 to change the permitted net leasable floor area to gross floor area, to substitute the approved site plan, and to delete the impervious surface requirement with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

   a. Office and accessory uses at a maximum density of 27,816.31 gross square feet per acre zoned or 381,000 gross square feet, whichever is less.

   b. Limit the height of the two proposed buildings to no more than 6 floors and 11 floors, respectively.

2. To the owner's agreement to abide by the following:

   a. To the site plan received by the Department of Community Development dated November 5, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

   b. To submit to the Director of Community Development for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading Plan, hydrological study, soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention and the method of continuing maintenance of these facilities.

   c. To submit to the Director of Community Development for his approval, prior to the approval of a Land Disturbance Permit, a detailed landscape plan for all required buffers and landscape strips. Said landscaping for each phase of development shall be in place within 90 days after the issuance of a Certificate of Occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final phase of the development.

   d. To provide and maintain off-street parking on the subject property during the entire construction period.

3. To the owner's agreement to the following site development considerations:

a. Provide a 50 foot wide landscape strip outside of the new dedicated right-of-way of Johnson Ferry Road penetrated only by approved access drives and utility crossings, and further provide a 250 foot setback from Johnson Ferry Road for the office buildings.

b. Provide a landscape strip adjacent to the following property lines in the widths shown:

40 feet wide adjacent to the area reserved for the relocation of Johnson Ferry Road except for the driveway encroachment indicated on the Site Plan received by the Zoning Department on October 4, 1983.

15 feet wide on the north property line.

25 feet wide on the east property line.

5 feet wide on the west property line.

c. Maintain as a natural buffer, that area to the southeast and east of the right-of-way reservation for the proposed relocation of Johnson Ferry Road. Said buffer shall be undisturbed except as needed for the removal of the existing structure and shall be replanted where disturbed or sparsely vegetated.

d. Any exterior illumination on the site shall not exceed 1.2 foot-candles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties.

e. No more than 2 exits/entrances on Johnson Ferry Road; one of which shall be located at or adjacent to the west property line. The second entrance shall be aligned with the entrance to the Johnson Ferry Park townhomes.

f. The exterior of all concrete blocks shall he coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) or an alternate solution as .may be approved by the Director of Planning and Community Development.

g. No roof signs are permitted.

h. Provide landscape islands throughout the surface parking areas, including a minimum 10 foot wide landscape at the end of each parking bay and a minimum 5 foot wide landscape island for each 225 feet of continuous bay length.

4. To the owner's agreement to abide by the following requirements, dedications and improvements:

a. Improve the following roadways along the property frontage from the center or road to back of curb as follows:

26 feet from centerline of Johnson Ferry Road west of the easternmost entrance and, for a distance of 200 feet east of said entrance.

b. Connect to metropolitan water and public sanitary sewer, available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions as determined by the Department of Community Development.

c. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for firefighting equipment if required by the Sandy Springs Fire Department.

d. Design required on-site storm water detention facilities such that they are not located within any required buffers or on any required parking areas.

e. Pay for the materials necessary for the construction of sidewalks along existing public roads by the Department of Community Development if they are constructed within 5 years of this approval.

f. Reserve an 80 foot wide future right-of-way strip running from the intersection of Johnson Ferry Road and south Johnson Ferry Road to the northeast corner of the property, as located and approved by the Director of Community Development.

Second and Vote: Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

ZM08-003/CV08-008 - 285 Northland Ridge Trail, *Applicant: Joseph B. Hutchison* To modify condition 2.a. and 3.b. of Z88-0053 to revise the approved site plan and reduce the required 50 foot setback along the east property line, with concurrent variances.

Senior Planner Ruffin stated that the applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z88-0053 to amend the approve site plan for the subject property and to reduce the required 50 foot building setback property line. The applicant is also requesting two concurrent variances. The staff is recommending at this time that the petition be deferred to the July regular Council Meeting at the applicants request.

Pete Hendricks, 6085 Lake Forrest Drive, stated that one of the property owners would like to defer this item in order to work through additional issues. The applicant has tied down confirmatively the property owner contiguous to the north, east and south and would request a 30 day deferral.

Mayor Galambos called for public comment. There were no comments from the public.

Motion and Vote: Councilmember DeJulio moved to defer ZM08-003/CV08-008 - 285 Northland Ridge Trail, Applicant: Joseph B. Hutchison to the July 15, 2008 Regular Meeting. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

ZM08-004/CV08-010 - 5866 Roswell Road, *Applicant: Radha Krishna, Inc.* To modify condition 2.a. and 3.b. of RZ06-039 to revise the approved site plan and to reduce the right-of-way dedication requirement, with concurrent variances.
Ordinance No. 2008-06-25

Senior Planner Ruffin stated that the applicant is requesting a zoning modification to the conditions of the Sandy Springs zoning case RZ06-039 to amend the approved site plan and to modify condition 3.b. to reduce the right-of-way dedication requirement of forty-five (45) feet to thirty-five (35) feet along the Cliftwood Drive frontage.

The applicant is also requesting one (1) concurrent variance to allow the ten (10) foot landscape strip to be deleted around the existing underground gas tank located on the north property line.

The staff is recommending approval conditional of the zoning modification request and the concurrent variance.
The petition was heard at the April 22, 2008 Design Review Board meeting. The Board recommended approval as presented by the applicant.

Pete Hendricks, 6085 Lake Forrest Drive, stated that the applicant is the renter of the entire piece of property and has owned and operated the Shell Station for a number of years. At that point in time it was contiguous to residential. There has been a condition of zoning that there be a 50 foot natural undisturbed buffer and a 10 foot improvement setback along that portion of the property. Several years ago the contiguous property no longer was residential. It is now an office building. In 2006, the applicant had someone approach him wanting to build a little office building on this part of the property and City Council rezoned the entire piece of property. At that point in time, the Cliftwood designation for right-of-way split out 45 feet. The problem is that the 45 feet takes it into a northern sliver potion of the underground gas tank. The original application said to do the 45 feet of right-of-way along the tract that is designated to the office building and 35 feet of where it is right now. Staff came back and said to do 45 feet all the way along until you get to the gas tank and then duck into the 35 feet in order to avoid the gas tank and then come back out to the 45 feet. That is fine. The associated variance that goes with it will let the applicant reduce the required Main Street landscape strip or street frontage treatment as shown on the site plan so that no portion of that goes over the top of the underground tank. The applicant agrees with the Staff recommendation and recommended conditions.

Mayor Galambos called for public comment. There was no public comments.

Motion: Councilmember Fries moved to approve ZM08-004/CV08-010 - 5866 Roswell Road, Applicant: Radha Krishna, Inc. to revise the approved site plan and to reduce the right-of-way dedication requirement with concurrent variances with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

   a. To maintain the existing gas station and 1,800 gross square foot convenience store on the eastern 0.538 acre portion of the site at a density of 3,345.72 gross square feet per acre.

   b. Office and associated accessory uses on the western 0.309 acre portion of the site at density of 30,582.52 gross square feet per acre or 9,450 gross square feet, whichever is less.

2. To the owner's agreement to abide by the following:

   a. To the site plan received by the Department of Community Development dated April 1, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

   a. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road (SR 9) or ten and one-half (10.5) feet from back of curb, whichever is greater, along the entire property frontage to the City of Sandy Springs.

   b. The owner/developer shall dedicate right-of-way from centerline of Cliftwood Drive or ten and one-half (10.5) feet from back of curb along the entire property frontage, whichever is greater, to the City of Sandy Springs as follows:
   Forty-five (45) feet for a distance of 80.42 feet beginning at the intersection with the east property line identified as S 02°40'52"W on the site plan received by the Department of Community Development dated April 1, 2008 and ending at the east side of the existing underground gas tank
   Thirty-five (35) feet for a distance of 90 feet beginning at the east side of the existing underground gas tank and ending at the shared property line identified as N 00°09'56"E on the site plan received by the Department of Community Development dated April 1, 2008

   Forty-five (45) feet for a distance of 92.31 feet beginning at the shared property line identified as N 00°09'56"E and ending at the west property line of the office development identified as N 03°13'28"E on the site plan received by the Department of Community Development dated April 1, 2008

   c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access between the two properties. Should the owner/developer not come to an agreement on interparcel access at this time, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access, prior to the issuance of an LDP.

d. The owner/developer shall close the existing driveway along Cliftwood Drive and shall provide a shared driveway between the gas station and the office building. Said driveway location and design shall be subject to the approval of the Public Works Department.

e. The subject property shall be limited to one (1) curb cut along Roswell Road (SR 9) and the owner/developer shall be required to close one (1) of the existing driveways as shown on the site plan received by the Department of Community Development dated April 1, 2008. Said driveway location and design shall be subject to the approval of the Public Works Department.

f. The owner/developer shall install streetscape to the Main Street standards of the Sandy Springs Overlay District along the entire property frontage along Roswell Road (SR 9) and Cliftwood Drive.

g. To delete the required ten (10) foot landscape strip around the existing underground gas tank located along the north property line as shown on the site plan submitted (CV08-010).

Mayor Galambos questioned if this would affect the realignment of Cliftwood. Community Development Director Leathers stated that it may or may not. She explained that it depended on which side the realignment is done. At this point a decision has not been made of which side the right-of-way would be taken from.

Transportation Planner Moore stated that Ms. Leathers is correct. In more likelihood Carpenter would be moved down or up and would be more likely given the grades and the alignment that are already there. This would provide enough for a turning lane and flexibility.

Councilmember Meinzen McEnerny stated that the City needs to develop a policy for acquiring right-of-way relative to underground storage tank.

Second and Vote: Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

<u>Text Amendments</u>

Consideration of approval of an Ordinance to Amend the City of Sandy Springs Impact Fee Ordinance to allow credits for contribution of money towards parks and recreation development impact fee.
Ordinance No. 2008-06-26

Community Development Director Leathers stated that this is an amendment to the Impact Fee Ordinance which will allow the City, if someone wishes to contribute to a park that is shown in the plan that has been approved. Subject to impact fee collections then they could contribute and would get a credit against any future impact fees for Parks and Recreation only. Staff recommends approval of this amendment to the ordinance.

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance to Amend the City of Sandy Springs Impact Fee Ordinance to allow credits for contribution of money towards parks and recreation development impact fee. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

RZ08-002 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance – *Grade Plane & Height*
Ordinance No. 2008-06-27

Community Development Director Leathers stated that this is an amendment to the Zoning Ordinance which will tie the Zoning Ordinance definition for building height to that which is in the building code thereby, allowing the City to continually make that connection to the State approved code. Staff is recommending approval. There are three items that staff and the Planning Commission are recommending in addition. They are recommendations that are not part of the zoning ordinance but would ask that City Council endorse this so staff can proceed with them.

1. The owner/developer being required to demonstrate that the height requirements of the Building Code have been met at time of application for development permits with review by staff.
2. Change the grade plane definition to use the term "mean" rather than "average" for review by the Georgia Department of Community Affairs and adoption by the Mayor and City Council.
3. Address the unique nature of properties within Sandy Springs which may have extreme topography at a later date allowing for the grade to be measured from the top of the retaining sub-wall for lots with steep slopes with a maximum height of such sub-walls of fifteen (15) feet.

Staff recommends that City Council endorse all three amendments so they can be submitted to the state.

Mayor Galambos called for public comment.

Trisha Thompson, 145 River North Drive, Sandy Springs Council of Neighborhoods, stated that the Planning Commission has asked to find clarity in the method to make the process understandable to staff and to the community. To their credit she looked to other cities around the country that have similar topography in special economic conditions for this guidance. They crafted an addendum to the height rule that explained how to do this. It is clear and its value has been proven in other locations.

There has been a lot of lobbying by the Homebuilders Association to keep the status quo. This matter is pushed to a nearly morning meeting that was suppose to be a Work Session by the Planning Commission. Most citizens can not attend early morning meetings.

Height was removed and no discussion was entertained and paper prepared by the Planning Commission, normally a staff position. The applicant presented to the members of the Planning Commission what they were voting on and then deferred on in a discussion based on a vote.

The packet or the presentation that was before the Planning Commission at the time was stated not to be correct. It was stated in the meeting that an Executive Director prohibited the review and evaluation of residential development which means that the height was never calculated at the very beginning.

Relying on the International Code is not spelled out in the City's regulations except to say that the residential structure maximum height is 30 feet. The Planning Commission grade plane document would spell out how to calculate the height. The grade discussion that was disallowed at the Planning Commission meeting would build sub walls or retaining walls and show how they are calculated in formula. There are several examples on some of these walls as to how they set the height in discussions and concerns was dismissed. The good news is that the Planning Commission was able to put forth wording that would require the height calculations to be on the front sheet of the plan so that it would be required with that portion on the planning package. It would be reviewed and approved prior to any permit being issued. Without the accurate grade plane portion of the regulation, where do the calculations begin and what do they include. We are actually left with the same old mess.

City Council redirected the Planning Commission to go back to clarify and address these issues. If the Commission had done what was asked, it would have circumvented at a procedural maneuver; but it is and remains in the publics best interest that clarification on grade planes be brought back and the issues addressed while there is a low in building applications and plan reviews. Clearly, the regulations help everyone, staff and community at large. Vagueness in regulations invites lawsuits, poor neighborhood relations and tons more aggravation for staff and politicians. Ms. Thompson requested that the City Council send this back to the Planning Commission with instructions to seriously consider the document and for staff to research the procedures required to get it adopted.

Joe Padilla, 110 Susobell Place, Woodstock, Representing the Atlanta Homebuilders Association, stated that the Association has been involved in this process with staff now for about six (6) months. The Association approves the language in the building code which is internationally accepted by planners, builders and engineers. It provides an equitable way of measuring height. The Association worked with staff on a couple of the amendments clarifying the issues regarding the extreme topography in Sandy Springs. This is the most equitable way and it's been vetted by professionals from across the country and is used by jurisdictions all over metro Atlanta. It will be the most effective tool for the City to have in place to ensure that height and grade are measured.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Fries moved to approve an Ordinance to amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance – Grade Plane & Height as recommended by staff. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember Fries stated that this is a simple definition that the City has taken from the International Codes that are required by the State. This is a proper and clear way to measure a point of measurement.

Councilmember Meinzen McEnerny stated that she does not agree with Councilmember Fries comments. City Council specifically requested on April 15, 2008 that the Planning Commission come up with a clear and concise document. A subcommittee was created and worked for over a month to come up with a document that started with grade plane and looked at surrounding communities and a procedural maneuver. The Planning Commission decided not to discuss that on the agenda, and therefore the Commission did not even look at it. Councilmember Meinzen McEnerny stated that she would like the Planning Commission's technical review of that document.

Substitute Motion: Councilmember Meinzen McEnerny moved to defer consideration of an Ordinance to amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance – Grade Plane & Height. Motion failed for lack of a second.

Councilmember MacGinnitie requested that Ms. Leathers respond to some of the points that Ms. Thompson made. He questioned if there was any problem with City Council adopting this amendment as it is proposed tonight and then have the Planning Commission come back at a later date if they think there is a way to improve the document.

Director of Community Development Leathers stated that staff would not have a problem if the Planning Commission had some suggested changes in the ordinance. The Planning Commission had discussions about other issues subsequent to that as well.

Councilmember Fries stated that there was a meeting in May, City Council had questions about the height of a retaining wall and directed staff to come back to Council with an answer and they have, 15 feet.

Councilmember Meinzen McEnerny stated that was discussed in a Work Session and questioned if a vote was taken.

Motion and Vote: Councilmember Jenkins moved to call the question. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Vote: The motion carried unanimously.

RZ08-007 - An Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Allow Senior Housing Ordinance No. 2008-06-28

Deputy Director of Community Development Miller stated that this is a text amendment to allow for senior housing developments in the City of Sandy Springs Zoning Ordinance. The draft ordinance was reviewed by the Mayor and City Council during the April Work Session. Based upon their input, the minimum parcel size has been set at five (5) acres the minimum unit size is 850 square feet. Staff questioned the Recreation Department about parking, landscape buffer strips required for the O-I district. The Planning Commission recommended approval as presented by staff subject to an additional provision of 500 square feet. Additionally, each senior housing development may have at least one (1) guest quarter unit, but the total number of guest units may not exceed 1% of the total number of units within the development.

Councilmember Jenkins stated at the Work Session directed staff to call other senior living facilities to see if they have the guest unit.

Deputy Director Community Development Miller stated that staff looked at the Senior Housing developments in the City, Huntcliff and Mt. Vernon Towers. Mt. Vernon Towers has two units, 480 square feet and Huntcliff has two units and both units are 500 square feet. Both are within the bounds of the 1% perimeter.

Mayor Galambos called for public comments.

Joe Padilla, 110 Susobell Place, applauded City Council and staff on making this ordinance a priority. It is a huge element of where the City is going demographically and a huge need in most communities. The current zoning ordinance generally does not account for this. The Homebuilders Association is concerned about some of the restricted measures in it. Generally, based on what the Association has seen with a number of providers they talk to, this is a very evolving field where the product is changing very frequently based on market preferences, based on development and design. The Association feels that the minimum five (5) acres is too high with the info opportunities. They are seeing projects that are going down to two (2) to three (3) acres. They understand that there needs to be a minimum but the Homebuilders respectfully request that Council take a look at something that will be a little more in line with some of the info projects currently going on in the City and also some of the restrictions on the unit size. It is an evolving market based situation and the Association would prefer a conformance based ordinance that sets guard goals and objects and allows developers to design that project creatively within those parameters and come up with something that would allow that evolution to proceed. The Homebuilders Association would like to continuing working with staff further and go through revisions and do a further analysis of it.

Trisha Thompson, **Sandy Springs Council of Neighborhoods,** stated that the Sandy Springs Council of Neighborhoods support staffs recommendations as stated. Staff has gone to a lot of trouble on this. They provide protection for the building and for the community.

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance to Amend the City of Sandy Springs Zoning Ordinance to allow Senior Housing as recommended by staff, subject to Planning Commission, additional provision regarding guest quarters for visitors of residents, which shall have a maximum heated floor area of 500 square feet. Additionally, each senior housing development may have at least one (1) guest quarter unit, but the total number of guest units may not exceed 1% of the total number of units with the development. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Transportation

To receive input regarding the draft Transportation Master Plan.

Transportation Planner Moore stated this is a public hearing to get community input on the transportation plan.

Mayor Galambos explained that staff is putting together all the reports, ideas, complaints and suggestions of what has been sent to the City regarding the Transportation Plan and will be studied further in a Work Session.

Transportation Planner Moore submitted to the Mayor and City Council all the comments received to date on the transportation plan. Each comment is referenced as to where it came from in the document.

Mayor Galambos called for public comments.

Bruce Capps, 365 Londonberry Court stated that this is a bad plan. A lot has been done on transportation and land planning. This plan does not in any way reflect the new ideas, new sciences or any solutions which should be rejected.

Bad plans usually result in bad policy. In this case, the bad policy arises from the fact that there is no over arching vision to transportation policy within the City of Sandy Springs. It is his opinion that this is where the process starts. Many may disagree but if someone in this room does not articulate a vision of a transportation policy, someone else, whether it is PCID, is going to articulate or create transportation for us. It is incumbent upon the City Council to set out and seek out new solutions. In this particular case solutions that benefit the residents without unduly taxing. He suggested that before a policy is implemented that gives away transportation corridors the City needs to find a way of getting something in return that benefits the residents of Sandy Springs. The plan as presented does nothing for the City as far as he is concerned.

Mark Sampl, 130 Steward Drive, stated that he did work very closely with several Homeowner Associations in Sandy Springs as Sandy Springs Council of Neighborhoods does. He would be glad to work with staff.

Richard Farmer, 6080 Glenridge Drive, stated that it is important that every one recognizes that this is a very fast moving process. Things that may have been irrelevant a year or so ago have changed. At this time, it really does not take into consideration of $4/gallon of gasoline. It is the order of centric and does not make sufficient mention of public transit that is absolutely critical that the City develop more time and effort to those concerns. The City has a planning body that operates in the shadows and seems to be given entirely too much creditability in the City's plans. He is speaking of the PCID. This is a Dekalb County political business entity. The citizens of Sandy Springs did not elect it and it is not a Sandy Springs agency and it appears to be setting a policy to drive transit between Dekalb and Cobb Counties and has no interest in the benefits of Sandy Springs. Some of the projects in this have gone through an expensive vetting by the technical staff. Some projects, like the Glenridge/Johnson Ferrys intersection, that are already in progress have not worked out as well.

Mayor Galambos closed the public hearing.

<u>**Alcoholic Beverage Applications**</u>

Consideration of approval of Alcoholic Beverage License Application for Hinton's Savvy Cellar at 6690 Roswell Rd., Ste 415-420 Sandy Springs, GA 30328. Applicant is Christopher Hinton for Retail Package Wine, Malt Beverage and Distilled Spirits.

Director of Administrative Services Horn stated that this is an alcoholic beverage license application is relative to a new business. All administrative requirements of the ordinance have been met and a public hearing has been advertised as required by the ordinance. Staff recommends approval of this application.

Mayor Galambos called for public comments. There were no public comments.

Motion and Vote: Councilmember DeJulio moved to approve the Alcoholic Beverage License Application for Hinton's Savvy Cellar at 6690 Roswell Rd, Ste 415-420, Sandy Springs, GA 30328. Applicant is Christopher Hinton for Retail Package Wine, Malt Beverage and Distilled Spirits. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

Approval of Alcoholic Beverage License Application for Sir Squire Spirits at 7314 Roswell Rd., Sandy Springs, GA 30328. Applicant is Elise Squires for Retail Package, Wine, Malt Beverage and Distilled Spirits.

Director of Administrative Services Horn stated that this is an alcoholic beverage license application is relative to a new business. All administrative requirements of the ordinance have been met and a public hearing has been advertised as required by the ordinance. Staff recommends approval of this application.

Mayor Galambos called for public comments. There were no public comments.

Motion and Vote: Councilmember DeJulio moved to approve the Alcoholic Beverage License Application for Sir Squire Spirits at 7314 Roswell Rd Sandy Springs, GA 30328. Applicant is Elise Squires for Retail Package Wine, Malt

Beverage and Distilled Spirits. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business

Consideration of approval of a Resolution adopting the 2008-13 Consolidated Plan, 2008 Annual Action Plan. Resolution No. 2008-06-26

Senior Planner Ruffin stated that this item was heard at the May 6, 2008 regular meeting and at the June 10, 2008 Work Session. This is an item to approve the Resolution to adopt these two documents for the CDBG Program. Staff recommends adoption tonight in order to submit by the July 1, 2008 deadline to the State.

Motion and Vote: Councilmember Jenkins moved to approve a Resolution adopting the 2008-13 Consolidated Plan, 2008 Annual Action Plan. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of approval of a Naming Rights Policy

Mayor Galambos stated that the most practical thing for the Council to do is to allow the Friends of Sandy Springs to procure donations. Category 1: new items; benches, trees, lights, etc. that are not in the category of major items. Category 2 & 3: Existing items that could not be sold for names such as buildings with new room additions. Category 4: New Buildings, new parks, new acquisitions would come before City Council to determine the value of naming rights.
Councilmember MacGinnitie questioned how often would Council be updated.

Councilmember Fries questioned how it would work for City property. Mayor Galambos stated that only new things get naming rights.

Motion and Vote: Councilmember Fries moved to approve the Naming Rights Policy allowing Friends of Sandy Springs to procure donations for Category 1: new items; benches, trees, lights, etc. that are not in the category of major items. Category 2 & 3: Existing items that could not be sold for names such as buildings with new room additions. Category 4: New Buildings, new parks, new acquisitions would come before City Council to determine the value of naming rights. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Executive Session- Acquisition & Personnel

Motion and Vote: Councilmember Jenkins moved to enter into Executive Session to discuss Land Acquisition and Personnel issues. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 9:03 p.m.

Motion and Vote: Councilmember Jenkins moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 9:29 p.m.

Adjournment

Motion and Vote: Councilmember Jenkins moved to adjourn meeting. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 9:30 p.m.

Date Approved: August 19, 2008

Eva Galambos

Eva Galambos, Mayor

Christina Rowland

Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

June 17, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 17th day of June, 2008 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

Eva Galambos

Eva Galambos, Mayor

Sworn to and subscribed before me,

this 17 day of June, 2008.

Christina Rowland

Notary public (SEAL)

CHRISTINA V. ROWLAND NOTARY PUBLIC FULTON COUNTY GEORGIA EXPIRES 2010