

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, September 1, 2015, at 7:13 p.m., Mayor Rusty Paul presiding.

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

STAFF DISCUSSION ITEMS

City Attorney

1. **15-340** Approval of a Resolution authorizing Investment Partners X, LLC to pursue a rezoning on behalf of the City of Sandy Springs

Assistant City Manager Jim Tolbert stated The City received a rezoning application that came to the Community Development Department and then to the Planning Commission. It was filed by Ted Sandler's agent Marty Marchman. As staff was reviewing the application, they realized the applicant is applying for both the property they own and property the City owns. The City has a leftover remnant on River Valley Road. The City's portion of the property is in the middle of what is being requested to be rezoned. The applicant is requesting the City grant them permission to file a rezoning on this property along with their rezoning request. The applicant's intent is to do a land swap and they propose to swap this property for other land that fronts on Johnson Ferry. The proposal calls for the land to be landscaped and beautified to the City's specifications and maintained by the HOA. The land swap should not be done first, presupposing an outcome on the rezoning. It is more appropriate to let this item move forward for rezoning and then complete the land swap deal. Any rezoning would be contingent upon property ownership transferring appropriately. If Council has no opposition, this item will go on the next Regular meeting consent agenda as a resolution authorizing the applicant to file a rezoning application in conjunction with the rezoning that they were required to withdraw.

Council Member John Paulson asked if this item has been to the Planning Commission.

Assistant City Manager Tolbert stated the application started to go to the Planning Commission then staff realized the applicant does not own all the property. The application was not appropriate to go before the Planning Commission. Staff had the applicant withdraw their application. The applicant has been having conversations with the City Attorney's office about the land swap for some time. The appropriate way to proceed is to request to rezone the City's property along with the applicant's property.

Council Member Tibby DeJulio asked what zoning the applicant is requesting for this property.

Assistant City Manager Tolbert stated he believes the rezoning application is from R-3 to R-3.

City Attorney Wendell Willard stated staff was told the homeowners around this area are supportive of this classification and rezoning.

Mayor Rusty Paul stated Ms. Thompson with the Sandy Springs Council of Neighborhoods has been working with the applicant. There is general support for this project in the neighborhood. This will still have to go through the zoning process. If he understands the process, the applicant will rezone their piece of property along with the City's piece of property and it will take quite some time. By allowing Council to consider the property as one parcel, Council can make the determination of whether to rezone the property or not.

City Attorney Willard stated this is not a land swap deal. The property will have to be appraised. Council has fiduciary duties to be sure for whatever value the City has in this property there will be an appropriate exchange.

Council Member DeJulio asked where did the City get this property.

City Attorney Willard responded from part of GDOT's work at Johnson Ferry and Abernathy Road. This property was acquired as part of a tract that was required to complete the work. The property was then turned over to the City as a gift. This is similar to other properties on Johnson Ferry Road along Abernathy that GDOT acquired. The City has the right to use those properties. There was an exchange in title for the properties on the south side that have come to the City. It is not unusual for GDOT to get a larger piece of property than they need.

Council Member Graham McDonald stated he received a number of emails relating to this item and proposed development in the previous months and he is sure he will receive more. The City is discussing doing something that will streamline future transactions should the requisite zoning come through Council. He asked for confirmation that in no way is Council endorsing or putting forth any type of Council support for a pending zoning application.

City Attorney Willard responded that is correct. The City is authorizing another party to proceed with a zoning application, because the City owns the property. This does not obligate Council to approve the rezoning application when it is presented before them at a later date.

Council Member DeJulio asked if this rezoning will be done as one parcel.

City Attorney Willard responded yes.

Council Member Gabriel Sterling asked about the applicant's property.

Assistant City Manager Tolbert stated the applicant's property comes off Johnson Ferry to the south of the developed properties and comes down to the west. The development plan that was submitted will have a private road that will run towards Johnson Ferry. Almost all of the lots will have frontage on Johnson Ferry or River Valley.

Council Member Sterling asked if existing houses will be removed.

Assistant City Manager Tolbert stated there are about three houses that will be removed.

Council Member McDonald stated the number of houses will be increasing from about four to ten houses.

Mayor Paul asked if the City owns the highlighted portion on the map.

Assistant City Manager Tolbert responded yes.

Council Member Paulson stated the other way to do this is for the City to sell the property to the applicant or swap the property based on the land valuation and they can then proceed with the plan. To a certain extent the City is not following that process. Typically, if someone wants to develop property, they buy the land or get options on the land and then go through the zoning process. He asked if there is an option on the City's land pursuant to the applicant applying for rezoning.

Assistant City Manager Tolbert stated the City is giving the applicant an opportunity to apply for a rezoning and then Council can consider both the rezoning and whether or not it is an appropriate deal for the City to transfer the land to the applicant.

City Attorney Willard stated the rezoning of the property will probably bring with it a higher value for the property than it currently has.

There was a consensus of Council to move this item forward to the next Regular City Council meeting.

CITY COUNCIL DISCUSSION ITEMS

2. **15-338** Resolution to Name a Public Park Located at the Intersection of Spalding Drive and River Exchange Drive in Sandy Springs, Georgia, to be known as "Crooked Creek Park"

Council Member John Paulson stated about fifteen months ago the City bought almost five acres of property at the intersection of River Exchange and Spalding Drive. The property borders on Crooked Creek to the west. There was a cleanup of the property during the spring. One suggestion that came from Linda Bain is to name the park Crooked Creek Park. If Council chooses to proceed with this, he would like to place a sign up at the park that states "Future Home of Crooked Creek Park", rather than have it read "Future Home of a Sandy Springs Park". There is work being planned in the city of Peachtree Corners that will extend walkways to the Spalding area that may eventually reach the park.

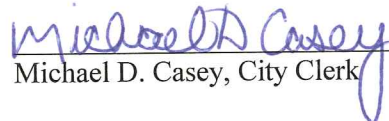
There was a consensus of Council to move this item forward to the next Regular City Council meeting.

There being no further discussion, the meeting adjourned at 7:26 p.m.

Date Approved: October 6, 2015



Russell K. Paul, Mayor



Michael D. Casey, City Clerk