

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, December 1, 2015, at 7:04 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

Community Development

1. 15-459 Community Redevelopment Tax Incentive Program

Assistant City Manager Jim Tolbert gave a Community Redevelopment Tax Incentive Program PowerPoint presentation.

Mayor Rusty Paul asked if before the seven times the tax rate penalty is applied the property owner has plenty of opportunity to remediate the problem.

Assistant City Manager Tolbert responded yes. The property owner will have several months to address the issue.

Council Member Tibby DeJulio asked about the completion of the work on the remedial action. If the property owner completes the remediation, the policy states the property owner shall be eligible for a decrease in the rate of the City's ad valorem tax by applying a factor of .25 to the City's millage rate. He asked if the property owner's original tax decreases by twenty-five percent or the seven times tax rate is decreased by twenty-five percent.

Assistant City Manager Tolbert stated he will get clarification on that detail when the ordinance is brought back before Council.

Council Member DeJulio stated most of the problems the City has had are issues with single family residences that have habitually not been up to code. He asked if the ordinance has to exclude single family residences.

Assistant City Manager Tolbert responded yes. That is a requirement under the State law.

City Attorney Wendell Willard stated under the State law there is a different section that addresses rental properties and single family homes. If a home causes potential public health issues, such as a rat infestation and overgrown with weeds, then the City can take action against those types of homes.

Council Member DeJulio stated staff needs to look into that. There have been several residences in the City where Code Enforcement goes to those homes constantly to issue citations.

Assistant City Manager Tolbert stated staff is exploring all options in order to improve the City. This is just the first option staff found to bring forward to Council.

Council Member Gabriel Sterling asked if Council passes this ordinance, who will manage this program.

Assistant City Manager Tolbert stated a Code Enforcement Officer and the Director of Community Development will get the program to a certain state, bring it to the City Manager for review and then a letter will be written to the property owner.

Council Member Sterling stated at one point the City had staff work with the City solicitor to go after one of the foreclosed homes. The solicitor issued a warrant for the Vice President of the bank and within a week that building was torn down. There are tools the City can use to address some of the property issues.

Assistant City Manager Tolbert responded that is correct. It depends on how aggressive the City wants to be. Staff does work with the property owners to try and get them to comply.

Council Member Graham McDonald stated he supports Council Member DeJulio's position for staff to explore options for residential properties as well. There is a District 3 property that is bank owned and has been in a state of blight for some time now. He receives many emails regarding the property and he knows the neighbors are really frustrated about it.

Council Member Andy Bauman asked if there are incentives that can be provided to someone that purchases a blighted home or blighted property.

City Attorney Willard stated if someone purchases property and there is a recent tax obligation on the property, there is nothing in the law that addresses that.

Council Member Bauman stated this approach would be a positive incentive for redevelopment.

Council Member John Paulson stated he thought that is what the second paragraph on the presentation meant. If property is remediated, the seven times the regular tax is removed and then the owner is eligible for a twenty-five percent tax reduction.

Mayor Rusty Paul stated it is not a twenty-five percent tax reduction, it is a 0.25 reduction in the millage rate.

Council Member Bauman asked if there is any notice posted to the public as part of this process. You want to make sure there is due process to the property owners for this proposed ordinance. He asked if the information can be publicly posted to let the community know the City is trying to do something.

Assistant City Manager Tolbert stated he believes that staff can add the notice requirement.

City Attorney Willard stated the State code the City is looking at provides for minimal requirements and more can always be added.

There was a consensus of Council to move this item forward to a future City Council meeting.

2. 15-460 Zoning and Development Code Interim Amendments

Director of Community Development Michelle Alexander stated this is an update on the work staff has been doing in the interim of preparing the City's new Comprehensive Plan and Development Code Regulations. Staff proposes the interim improvements include: overlay streetscape and boundaries; PCID overlay streetscape clarifications; commercial and mixed use landscape requirements – specifying planting mix; infill development standards; and permitted use standards. Interim Development Regulations will include changes to: retaining walls, swimming pools and impervious surface calculations, front yard impervious maximums, and parking maximums. Staff will also be bringing to Council a Storm water program update that include: soil and erosion regulations that were updated in the summer, the New "Blue Book" out (90% draft) reviewed by staff, and draft recommendations for stakeholders to be involved.

There was a consensus of Council to move this item forward to a future City Council meeting.

3. **15-453** Adoption of Interim Development Guidelines

Assistant City Manager Jim Tolbert stated several months ago Council asked staff to put together guidance for development guidelines in the Perimeter, Roswell Road, and City Center area. The suggested changes were brought to Council in June 2015. Council asked staff to provide the suggested changes to the community, neighborhood associations, and the development community. Staff did that and received comments from the neighborhood associations. Those comments were received in July and August. Comments were received from the public as well and changes were made based on all the comments received. The suggested changes went before the Planning Commission first. The intent of the changes are to guide zoning so the public will know what staff is reviewing and looking at. The purpose is to help Community Development Staff better understand the thinking of the Council as they meet with and advise developers. The guidelines are an interpretation of the goals of the Council as stated in the Comprehensive Plan for the City, the City Center Master Plan, and in numerous conversations of the City Council. While not law, those projects that follow these guidelines will achieve the type and form of development desired by the City. All zoning actions must be in conformance with adopted plans and follow zoning enabling law. However, zoning changes and modifications are legislative acts where the City Council has discretionary authority to determine whether projects meet the goals of the City and contribute in a positive manner to the overall welfare of the City. Projects that address the following issues will be seen to better achieve the goals of the Comprehensive Plan and of the Mayor and City Council. The intent for these changes is to give guiding principles and guidelines. The guiding principles are: wanting development near MARTA Stations that is compact and dense relative to its surroundings and that transitions to lower heights and densities toward existing residential neighborhoods; a rich mix of land uses; a great public realm; a new approach to parking; and a transportation system that leads to a significant reduction in single occupancy vehicle trips.

For the City's public investments the City should invest money where the best return of investment will be. There are objectives such as compact and dense development around MARTA within 1/4 of a mile. The Planning Commission suggested more appropriate access and the highest density in this area. It was suggested that there be seventy-five units per acre. In the City Center area it was suggested that with structured parking there be sixty units per acre and without structured parking there be forty units per acre. Mixed use is encouraged and what is recommended is for retail at five percent of the gross floor area to be located on the ground level. For office use that number should be a twenty percent minimum. For hotel use there will be no minimum. The five percent number sounds low, but he consulted the City's retail coach and RCO code and literature review. In a community like Sandy Springs there is a lot of retail space. If we are not careful, we can require too much retail and the City will receive requests for higher density residential, because it will pay for and support the retail until the market is there. If a number is set to receive a realistic amount of retail, it will be true mixed use and rental offices and workout facilities will be excluded. If a developer comes to the City and gives workforce housing, a better public realm, better transportation alternatives, and creative parking, the Council could approve for increased density, if they desire. For mixed use vertical mixed use is encouraged, but will still allow properties to develop with a horizontal mix of uses. The City will not want stand-alone large format retail uses, but instead vertical mixed use or main street type developments. The developers will be asked to include work force housing in new development at approximately ten percent of the total unit count. The City wants a better realm and that is incorporation of public art, wayfinding, wider sidewalks, green infrastructure, and sidewalks that are context sensitive. The City will also ask the developer to look at their parking. The developer should place the minimum amount of parking necessary with numbers below the established parking minimums. For those projects within one-quarter mile of a MARTA Station parking equal to or less than the minimum required numbers of the zoning ordinance will be a target and for those between one-quarter and within one-half mile of a MARTA Station, parking equal to or less than 100.1% of the minimum otherwise required is desirable. Should market analysis show that a lower number of spaces is desirable; then that information will be considered. The developer will be asked to decouple parking from the overall lease rate. Shared parking will be a requirement. For improved transportation the larger development will be required to provide a transportation management plan to show how the trips will be reduced. Another requirement is to incorporate "Complete Streets"

principles in all new and upgraded streets. Where possible, every street should include planned accommodations for vehicles, transit, bikes and pedestrians. The developer will also need to provide a local traffic circulator system. These suggestions are not law and are not different from the things in general that the City's Comprehensive Plan discusses. If a project is submitted to the City and the developer asks what the City is looking for, these suggestions can be given to the developer. Generally, if the developer brings to the City a plan the City is looking for, the opportunity for approval of the proposed plan increases. Council asked that staff look at suggestions between now and the time the new Comprehensive Plan is adopted, which is ten to twelve months from now. These suggested changes will be an interim to help out.

Council Member John Paulson asked if there is a vision that there will be a compact and dense development zone criteria that will be included as part of the City's Comprehensive Land Use Plan.

Assistant City Manager Tolbert responded yes. He knows that at the retreat last year Council discussed nodes on Roswell Road and nodes where development will occur. Nodes will be included in the Plan along with zoning written specifically for the PCID area and the Powers Ferry area. These suggestions will come from the Comprehensive Plan, but will also be written in the Zoning Ordinance.

Council Member Gabriel Sterling asked if this in any way affects existing entitlements.

Assistant City Manager Tolbert responded no.

Council Member Sterling stated what the City is doing is for the live/work/regional areas where right now the Comprehensive Plan states "unlimited height and unlimited density". These suggestions by staff will lay out policy preferences that Council wants to see for redevelopment.

Assistant City Manager Tolbert stated the City's Plan is currently general to where it does not give much guidance. The City has a zoning ordinance that does not set density levels in some zoning classifications.

Council Member Sterling asked if this is an upzoning and does it change the Comprehensive Plan.

Assistant City Manager Tolbert responded no.

Council Member Andy Bauman stated this is a good effort in the interim. The common feedback he receives, other than hearing about density, is the quality of development. There are items in the suggested changes such as public art and height. There is no lack of desire for development in the community. The least the City can do is formalizing guidance to get better quality development. As he focuses on quality as it relates to materials, he hopes there is a lot of thought and focus on what tools can be used for quality. The idea from the policy of tearing down the older existing apartments should be applied to have some old retail and single family homes torn down. He asked if the incentives discussed earlier should be included.

Assistant City Manager Tolbert stated he has asked the zoning consultant to come up with language to address that in an appropriate way when the code is adopted. Staff can add in the changes that when a developer builds residential there be an increase in the standard of the type of building construction to a steel and brick building.

Council Member Bauman stated with the suggested changes there will be more certainty and clarity and the current thinking in land use planning. The Community Development and permitting process will enable the quality this community deserves.

Assistant City Manager Tolbert stated by going to a form based code in certain areas, if that is the direction the City goes, it will allow the City to deal with the design of the buildings. Currently, the City has a code that states multi-family homes can be built at a certain density and as long as the International

Building Code is met, the developer is good to go. The City does not have many standards to govern development. His vision of the zoning ordinance is to write the standards in the code that increase the quality of aesthetics.

Council Member Bauman asked if that is something staff has the ability to do.

Assistant City Manager Tolbert responded yes.

Council Member Sterling stated there was discussion about the plane of development where the densest is within a quarter of a mile. His one worry right now is that area between one quarter and one half of a mile around the MARTA station, the live/work/regional being discussed. The area there is unlimited height and density. Staff may want to add language that makes it very clear that there is a step down from the most dense center core.

Council Member Paulson stated Council Member Bauman raised an interesting point. He asked if staff has to address redevelopment or does it fall into this category somehow.

Assistant City Manager Tolbert stated the suggested changes discuss any type of redevelopment that generates a change in zoning. He thinks were Council Member Bauman was going with his point is that staff should come up with things in the ordinance that will provide incentives to encourage a better quality of development.

Mayor Rusty Paul stated he would like the quality of construction to be the best, quality that reflects the aspiration to have the best. The City and Council are making decisions they want to last for decades. If the quality of the construction is not sufficient, then the buildings will not last for decades. He wants a real focus on making sure there are construction standards that have the highest aspirational quality that we can attain. When the developers come to Sandy Springs, they must give the City the best product. He wants to ensure the City has construction standards that reflect the quality needed in this community.

Council Member Sterling suggested a guide the City can look at is all of the conditions that Council has placed on various developments. If the conditions were made part of the code, the City would not have to go through all of the horse trading on conditions.

Mayor Paul stated the City has to rely on the Code and the professionals to make sure the City gets what it aspires to have.

Council Member Bauman asked if when this item is heard before Council again, there will be a public hearing.

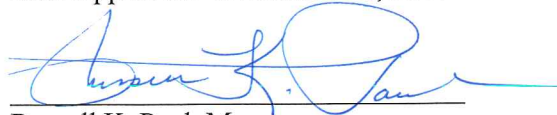
Assistant City Manager Tolbert stated this item can have public hearing, if Council chooses.

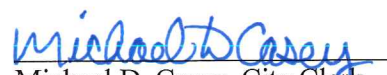
Council Member Bauman stated he does not like the disconnect of an item on the agenda that is of public interest. He prefers this item to be under the public hearing section.

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

There being no further discussion, the meeting adjourned at 7:40 p.m.

Date Approved: December 15, 2015


Russell K. Paul, Mayor


Michael D. Casey, City Clerk