



## CITY COUNCIL

Rusty Paul, Mayor

John Paulson – District 1  
Ken Dishman – District 2  
Graham McDonald – District 3  
Gabriel Sterling – District 4  
Tibby DeJulio – District 5  
Andy Bauman – District 6

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Tuesday, October 21, 2014

Summary Minutes

6:00 PM

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**A) INVOCATION** – Reverend Danny Gulden, Sandy Springs Christian Church

**B) CALL TO ORDER** – Mayor Rusty Paul

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

**C) ROLL CALL AND GENERAL ANNOUNCEMENTS**

**Mayor:** Mayor Paul present

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

**D) PLEDGE OF ALLEGIANCE** – Mayor Rusty Paul

**E) APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilman DeJulio moved to approve the Regular Meeting Agenda for October 21, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

**F) CONSENT AGENDA**

**Meeting Minutes**

**(Agenda Item No. 14-229)**

1. Meeting Minutes:
    - a) September 16, 2014 Regular Meeting
    - b) October 7, 2014 Regular Meeting
    - c) October 7, 2014 Work Session
- (Michael Casey, City Clerk)*

**(Agenda Item No. 14-230)**

2. **201402256** - 6111 Peachtree-Dunwoody Road, *Applicant: Homeside Properties, Inc.*, to modify delete 3.h. of Z81-0151 related to signage for the property  
(*Angela Parker, Community Development Director*)

**(Agenda Item No. 14-231)**

3. Regulation of Small Cell Technology in the Public Right-of-Way  
(*Cecil McLendon, Assistant City Attorney*)  
**Ordinance No. 2014-10-33**

**Motion and Vote:** Councilman Sterling moved to approve the Consent Agenda for October 21, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

**G) PRESENTATIONS** (*none*)**H) PUBLIC HEARINGS****Rezoning****(Agenda Item No. 14-232)**

1. **201402388** - 200 Hannover Park Drive, *Applicant: QuikTrip Corporation*, to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) for the construction a gas station, with concurrent variances  
(*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Dishman moved to approve the request for withdrawal of Agenda Item No. 14-232, 201402388 - 200 Hannover Park Drive, *Applicant: QuikTrip Corporation*, to rezone the subject property from O-I (Office and Institutional District) conditional to C-1 (Community Business District) for the construction a gas station, with concurrent variances. Councilman Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 14-233)**

2. **201300687 (DRI)\*\*** - Tax Parcel 17-0019 - LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Used District), with a use permit to exceed the maximum district height and concurrent variances  
(*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

No Public Hearing was held on this item due to proper public notice not being given.

**(Agenda Item No. 14-234)**

3. **201401601** - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances  
(*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Sterling moved to approve Agenda Item No. 14-234, 201401601 - 5950 Mitchell Road, Applicant: Rockhaven Homes, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances. Councilman Paulson seconded the motion. The vote on the motion tied 3-3, with Councilmen Paulson, Sterling, and Bauman voting in favor ;and Councilmen DeJulio,

McDonald, and Dishman voting in opposition. The motion failed 3-4 with Mayor Paul voting in opposition to break the tie.

**Motion and Vote:** Councilman DeJulio moved to reconsider Agenda Item No. 14-234. There was no opposition to the motion.

**Motion and Vote:** Councilman DeJulio moved to defer Agenda Item No. 14-234, 201401601 - 5950 Mitchell Road, Applicant: Rockhaven Homes, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances, to the November 18, 2014 City Council meeting. Councilman Sterling seconded the motion. The motion carried unanimously.

**(Agenda Item No. 14-235)**

4. **201401611** - 5801 Roswell Road, *Applicant: Zahedi, Inc.*, to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) for the development of to allow an addition to the existing commercial building, with concurrent variances

*(Presented by Community Development Director, Angela Parker)*

(Invitation for Public Comment)

**Motion and Vote:** Councilman DeJulio moved to approve Agenda Item No. 14-235, 201401611 - 5801 Roswell Road, *Applicant: Zahedi, Inc.*, to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to allow an addition to the existing commercial building, with denial of the requested concurrent variances. Councilman Paulson seconded the motion. The motion carried unanimously.

**Ordinance No. 2014-10-35**

**(Agenda Item No. 14-236)**

5. **201401682** - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling District) to A (Medium Density Apartment District) for the development of a 17-lot townhome development, with concurrent variances

*(Presented by Manager of Planning and Zoning, Patrice Dickerson)*

(Invitation for Public Comment)

**Motion and Vote:** Councilman McDonald moved to defer Agenda Item No. 14-236, 201401682 - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling District) to A (Medium Density Apartment District) for the development of a 17-lot townhome development, with concurrent variances, to the November 18, 2014 City Council Meeting. Councilman DeJulio seconded the motion. The motion carried unanimously.

**(Agenda Item No. 14-237)**

6. **201402052** - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the construction for the development of a townhouse development, with concurrent variances

*(Presented by Manager of Planning and Zoning, Patrice Dickerson)*

(Invitation for Public Comment)

**Motion and Second:** Councilman Bauman moved to defer Agenda Item No. 14-237, 201402052 - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the

construction of a townhouse development, with concurrent variances, to the November 18, 2014 City Council meeting. Councilman Sterling seconded the motion.

**Motion:** Councilman DeJulio moved to defer Agenda Item No. 14-237, 201402052 - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the construction of a townhouse development, with concurrent variances, to the December 16, 2014 City Council meeting. The motion failed for a lack of second.

**Vote on the Original Motion:** The motion carried unanimously.

**(Agenda Item No. 14-238)**

7. **201402366** - 358 Mount Vernon Highway NW, *Applicant: Mount Vernon Estates, LLC*, to rezone from R-1 (Single Family Dwelling District) to R-2A (Single Family Limited District) for the development of three (3) single family dwelling units, with concurrent variances (*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

(Invitation for Public Comment)

**Motion and Vote:** Councilman McDonald moved to approve Agenda Item No. 14-238, 201402366 - 358 Mount Vernon Highway NW, *Applicant: Mount Vernon Estates, LLC*, to rezone from R-1 (Single Family Dwelling District) to R-2A (Single Family Limited District) for the development of three (3) single family dwelling units, with concurrent variances. Councilman Dishman seconded the motion. The motion carried unanimously.

**Ordinance No. 2014-10-36**

**(Agenda Item No. 14-239)**

8. **201402384** - 6860 Peachtree-Dunwoody Road & 1001 Peachtree-Dunwoody Court, *Applicant: Edge City Properties, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional to A (Medium Density Apartment District) for the construction a 38-unit townhouse dwelling unit development (*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Sterling moved to approve Agenda Item No. 14-239, 201402384 - 6860 Peachtree-Dunwoody Road & 1001 Peachtree-Dunwoody Court, *Applicant: Edge City Properties, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional to A (Medium Density Apartment District) for the construction a 38-unit townhouse dwelling unit development. Councilman Paulson seconded the motion. The motion carried unanimously.

**Ordinance No. 2014-10-37**

**Zoning Modification**

**(Agenda Item No. 14-240)**

9. **201401133** - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012 (*Presented by Community Development Director, Angela Parker*)

**Motion and Vote:** Councilman Sterling moved to table Agenda Item No. 14-240, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012. Councilman Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 14-241)**

10. **201402827** - 301 Johnson Ferry Road, *Applicant: Sandy Springs Christian Church*, to modify condition 3.a. of U84-0107 to allow development of accessory structures within the required buffer, with concurrent variances  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Sterling moved to approve the request for withdrawal of Agenda Item No. 14-241, 201402827 - 301 Johnson Ferry Road, *Applicant: Sandy Springs Christian Church*, to modify condition 3.a. of U84-0107 to allow development of accessory structures within the required buffer, with concurrent variances. Councilman Dishman seconded the motion. The motion carried unanimously.

**Resolution****(Agenda Item No. 14-242)**

11. A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Sterling moved to approve Agenda Item No. 14-242, A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update. Councilman Dishman seconded the motion. The motion carried unanimously.

**Resolution No. 20174-10-95****I) UNFINISHED BUSINESS**

**Motion and Vote:** Councilman Sterling made the motion to take Agenda Item No. 14-240 from the table for reconsideration. Councilman DeJulio seconded the motion. The motion carried unanimously.

**Motion and Vote:** Councilman Paulson moved to defer Agenda Item No. 14-240, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012, to the November 18, 2014 City Council meeting. Councilman DeJulio seconded the motion. The motion carried unanimously.

**J) NEW BUSINESS** (*none*)**K) REPORTS**

1. Mayor and Council Reports
2. Staff Reports

**L) PUBLIC COMMENT****M) EXECUTIVE SESSION – Litigation and Real Estate**

**Motion and Vote:** Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate matters with the City Manager and City Attorney included. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman

Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive Session began at 7:48 p.m.

**Motion and Vote:** Councilman Sterling moved to adjourn Executive Session. Councilman Dishman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 8:15 p.m.

#### **N) ADJOURNMENT**

**Motion and Vote:** Councilman Sterling moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:15 p.m.