

**Work Session Meeting of the Sandy Springs City Council was held on Tuesday, August 5, 2014, at 6:33 p.m., Mayor Rusty Paul presiding.**

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

**STAFF DISCUSSION ITEMS**

**Director of Community Development Angela Parker** gave a PowerPoint presentation of the items listed below. She stated staff has been working on the text amendments to the zoning resolution. The process is first the text amendments go to the Planning Commission, next Council hears them in a Work Session and then they are taken to Council for final action.

**Community Development**

1. **TA14-003** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance to add Multifamily Dwelling Unit Development Standards

**Director of Community Development Angela Parker** stated the Economic Development Advisory Committee (EDAC) recommendations went to the Planning Commission. The Planning Commission did not recommend favorably on limiting the total number of two bedroom units and requiring specific amenity packages. The Planning Commission felt that not everyone wants an amenity package because there are fitness centers everywhere. If amenity packages are required, they should be set up to provide a density bonus. Essentially, staff is recommending all of the EDAC recommendations with the exception of a limitation on three bedroom units. In staff's opinion, there is a need for three bedroom units. Empty nesters do not want to move into two bedroom units.

**Councilman John Paulson** asked what EDAC's reason was behind limiting the amount of three bedroom units to 5%.

Director of Community Development Parker stated the Committee discussed whether the number should be five, seven, or ten. They ended up with 5% because a couple of developers on the committee felt that is what they were seeing on most of the projects. Part of the rationale of limiting the three bedroom units is because there are already many larger units. There is concern that more than one family living in these units in Sandy Springs. For the newer projects, this will probably not be much of an issue.

**Councilman Graham McDonald** asked where the three bedroom units will be forty years from now. The three bedroom units that have many families residing in them now probably did not have that issue four years ago.

Director of Community Development Parker stated there is a market for three bedroom units for empty nesters.

**Councilman Gabriel Sterling** stated he has the same concern as Councilman McDonald. He asked how the City will decide on the amenity package that EDAC is recommending. A density bonus makes more sense.

Mayor Paul stated the City is trying to legislate things the market should dictate and that is unwise policy. All of Council seems to have the same concern that a remedy be created to address problems today, although situations cannot be prevented twenty to thirty years from now.

**City Manager John McDonough** stated based on EDAC's expertise, there are things the City can do to ensure the long term viability of the apartments and to prevent the deterioration into a Class C product. The items on the PowerPoint presentation list are what the EDAC advises the City to do in order to keep the apartments at a high level of viability.

Councilman McDonald asked to hear the reasoning behind EDAC's recommendations.

There was a consensus of Council to have EDAC explain the recommendations at a future Council meeting.

2. **TA14-004** - An Ordinance to Amend Article 7, Two Family and Multifamily Dwelling District Regulations, Article 8, Multiple Use District Regulations, Article 9, Commercial District Regulations, and Article 11, Planned Unit District Regulations, of the Sandy Springs Zoning Ordinance to allow Townhouse Dwelling Units

**Director of Community Development Angela Parker** stated this item relates to townhouse units within other zoning districts. The way the apartment, office and commercial districts are set up is a single family home or duplex can be located in these districts, but a townhome is not allowed. There is a property nearby that is currently zoned for apartment use and undeveloped where an applicant wants to develop the property with townhome units. Staff recommends approval of the townhome style attached units with no units above be allowed in a number of the other districts.

**Mayor Rusty Paul** asked if these units would be rental or owner occupied units. Parker stated that ordinance does not speak to rental versus owner occupied units in any district.

**Councilman John Paulson** asked why townhomes were not already included in the ordinance.

Director of Community Development Parker stated she is not sure why this was not in the ordinance. In Fulton County, there are townhome developments that occurred in apartment zoning districts. Staff needs guidance from Council on whether apartments should be allowed in commercial zoning districts. If the answer is no, then staff will not need any other guidance.

**Councilman Gabriel Sterling** stated as he recalls, there is only one property that is permitted under the C-1 apartment classification. That property which is located at the corner of Hammond Drive and Roswell Road.

Director of Community Development Parker stated that project is not currently permitted, but will soon be.

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

3. **TA14-005** - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance to clarify Permitted Uses

**Director of Community Development Angela Parker** stated the green and some of the yellow parcels on the map do not have zoning conditions that would restrict the use. Any of the parcels shown in red will likely have zoning conditions.

Councilman McDonald stated he assumes there are properties that are zoned for apartment use that are not showing up on this map.

Director of Community Development Parker stated there are 2,400 to 2,600 units that have not been developed. She believes none of these are in the City Center area. The only project not developed in the City Center area is the Pacific Life property at Hammond Drive and Roswell Road. If this provision remains in the ordinance, apartment rezoning requests in the commercial zoning district (green on the map) could come to the City for development and staff would have to issue a permit, if the standards were met. Potentially, some of the properties in yellow would also be able to apply for an apartment permit.

**Councilman Andy Bauman** stated to truly have a mixed use, an option is to not allow a leasing center, business office, or a gym to qualify for the mixed use.

Mayor Paul asked if Council votes to allow no apartments to be built in commercial zoned property, would an applicant be required to apply for a rezoning for an apartment use or mixed use.

Director of Community Development Parker responded yes, or the applicant can find a property that is currently zoned for apartment use.

Councilman Bauman stated he is receptive to the idea of providing guidelines for the nature of the mix in order for the properties to be a mix of real commercial and retail.

Councilman Sterling stated he is concerned about the number of apartments coming into the City Center. There may be a way the City can protect the property rights of the people while the City has control over development when moving forward.

City Attorney Willard stated the City has the ability to remove mixed use in the commercial district during the moratorium. The second option is to lift the moratorium if there are applicants in the process of preparing their properties under the mixed use for apartments and have it changed.

Mayor Paul stated Council could delay the implementation of the policy for a sixty day period. This would allow applications currently in process to be finalized.

Director of Community Development Parker stated the question is whether each item should come to Council for a zoning action or to allow them to be approved without a zoning action.

Mayor Paul stated it is important for Council to focus on what the aspirations are for the downtown area while not taking property rights away from owners.

Councilman Paulson stated due to the lack of guidance, some commercial properties are morphing into apartment complexes. His concern is if someone owns a piece of property and they want to rezone it to apartment, condo, or commercial use, the City would be taking this away from them.

Councilman Sterling stated housing is supposed to be located in the City Center area. If the housing is limited to the commercial district, there is nothing stopping the City from rezoning the rest of the area. Some areas do not make sense to rezone for apartment use. The Goody-Clancy study stated there needs to be between 1,700 and 3,000 housing units in the downtown area.

Councilman McDonald stated he would like to see data on the amount of public safety resources spent on current multifamily residential.

There was a consensus of Council to engage a consultant for assistance in developing standards.

4. **TA14-006** - An Ordinance to Amend Section 7.2.3, Townhouse Residential District Development Standards, of the Sandy Springs Zoning Ordinance related to density

**Director of Community Development Angela Parker** recommended removing the density requirements, due to other standards including minimum square footage per unit, in order to encourage more townhome developments in the City.

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

5. **TA14-007** - An Ordinance to Amend Article 18, Off Street Parking and Loading, of the Sandy Springs Zoning Ordinance

**Director of Community Development Angela Parker** stated in January or February 2014, staff presented a summary on parking and what other jurisdictions are doing. Council gave staff direction on proceeding with modifying the parking ordinance. Staff looked at the number of spaces required and encouraging shared parking.

There was a consensus of Council to bring this item back to a future Council meeting and to simplify the parking ordinance.

6. **TA14-008** - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance related to internally illuminated signs

**Director of Community Development Angela Parker** recommended amending the sign ordinance to allow signs similar to the Cox Enterprises sign, which would allow for LED's as an internal source of non-exposed light.

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

#### City Attorney

1. Amendment to Chapter 22, Article II of the City of Sandy Springs Code of Ordinances ("Code") to provide for the inspection and maintenance of private fire hydrants in the City

**Fire Chief Jack McElfish** stated the purpose of this ordinance is to enable inspection of the 283 fire hydrants throughout the City that have not been inspected within the least eight years, because the Fire Department is not allowed to enter onto private property. This ordinance will require any private fire hydrants to be inspected annually.

**City Attorney Wendell Willard** stated the City is required to check the fire hydrants as part of the fire services. The City is not able to go onto private property. This ordinance will allow for the City to inspect and test the fire hydrants on private home properties and condominiums. If the property owner fails to have the fire hydrants inspected, the property owner or manager can be issued a citation. The copy of the fire hydrant inspection is to be located on the property or with the property management company.

**Assistant Fire Chief Daryl Smith** stated any fire hydrant that is not in working service is to be tagged to state this information.

**Fire Chief Jack McElfish** stated at a fire safety event citizens asked to see how a fire hydrant operates. The fire fighters hooked up a hose to the hydrant in a private development. It was discovered the hydrant had never been connected to the water pipes.

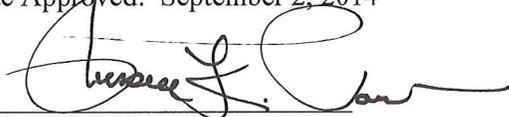
**Councilman Tibby DeJulio** asked if this situation is found on a private property, can the City require the property owner to hook the fire hydrant up to the water system.

City Attorney Willard stated that is addressed in the ordinance.

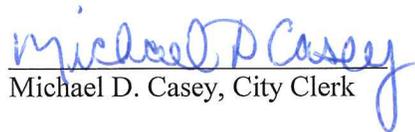
There was a consensus of Council to bring this item forward to the next Regular Council meeting.

There being no further discussion, the meeting adjourned at 7:51 p.m.

Date Approved: September 2, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

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