

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 21, 2010, at 6:00 p.m., Mayor Pro-Tem Tibby DeJulio presiding.**

### **INVOCATION**

Rabbi Elana Perry, Temple Sinai, offered the invocation.

### **CALL TO ORDER**

Mayor Pro-Tem Tibby DeJulio called the meeting to order at 6:02 p.m.

### **ROLL CALL AND GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comment, during either a public hearing or the Public Comment section of the meeting, are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Eva Galambos absent.

**Councilmembers:** Councilmember John Paulson, Councilmember Chip Collins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny present. Councilmember Dianne Fries and Councilmember Ashley Jenkins were absent.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Tibby DeJulio led the Pledge of Allegiance.

**(Agenda Item No. 10-223)**

### **APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Paulson moved to approve the Meeting Agenda for September 21, 2010. Councilmember Collins seconded the motion. The motion carried unanimously.

### **CONSENT AGENDA**

**(Agenda Item No. 10-224)**

1. Meeting Minutes:
  - a) August 31, Special Called Meeting
  - b) September 7, 2010 Regular Meeting
  - c) September 7, 2010 Work Session*(Michael Casey, City Clerk)*

**(Agenda Item No. 10-225)**

2. Adoption of 2011 City Council Meeting Schedule  
*(Michael Casey, City Clerk)*

**(Agenda Item No. 10-226)**

3. A Resolution to Amend the City of Sandy Springs Board of Appeals Bylaws  
*(Nancy Leathers, Director of Community Development)*

**(Agenda Item No. 10-227)**

4. A Resolution to Amend the City of Sandy Springs Design Review Board Bylaws  
*(Nancy Leathers, Director of Community Development)*

**(Agenda Item No. 10-228)**

5. A Resolution to Amend the City of Sandy Springs Planning Commission Bylaws  
*(Nancy Leathers, Director of Community Development)*

**(Agenda Item No. 10-229)**

6. A Resolution to Adopt the Downtown Livable Centers Initiative (LCI) 5-Year Update/Action Plan  
*(Tom Black, Director of Public Works)*

**(Agenda Item No. 10-230)**

7. A Resolution to Accept the Donation of the Right-Of-Way on Property Located in Land Lots 13, 24, 36, 38, 121, and 384 as part of the Zoning Requirements  
*(Tom Black, Director of Public Works)*

**(Agenda Item No. 10-231)**

8. A Resolution to Establish a Uniform Policy for the Acceptance of Gifts to the City of Sandy Springs  
*(Wendell Willard, City Attorney)*

**Motion and Vote:** Councilmember Paulson moved to approve the Consent Agenda for September 21, 2010. Councilmember Collins seconded the motion. The motion carried unanimously.

**Mayor Pro-Tem Tibby DeJulio** stated Councilmember Collins has a guest attending the meeting this evening. The guest is Georgia State Senator David Schafer, who is running for an open seat on the Court of Appeals.

**PRESENTATIONS**

1. Flag from Fire Station 2 – presented by Chief McElfish

**Fire Chief Jack McElfish** stated when the Sandy Springs Fire Department was created December 29, 2006, a Sandy Springs flag was flown over Fire Station 2. With the help of Tisa Moore and the effort of others, the flag has been signed by all the Fire Department personnel. The flag has been mounted and will be placed at City Hall or Fire Station 2. The flag was flown for approximately 2 ½ years. Within that time period, the Fire Department responded to approximately 25,000 incidents/calls. The important thing is the people served by the Fire Department and the great support they receive from Mayor and Council, from citizens and from the City Manager. The Fire Department feels the flag is something they can give back to the City. The personnel from Fire Station 2 were present at the meeting. Chief McElfish thanked Mayor and Council for the support and resources enabling them to do their jobs.

Mayor Pro-Tem Tibby DeJulio stated when Sandy Springs Fire Department was first created they recruited the best Chief in the State of Georgia. They gave him a blank sheet of paper and a blank check and asked him to bring the City the best personnel. He believes Sandy Springs has the best Fire Emergency system that is possible.

**PUBLIC HEARINGS**

**City Clerk Michael Casey** read the Zoning Rules for the Public Hearings section of the meeting.

**Mayor Pro-Tem Tibby DeJulio** asked City Attorney Wendell Willard for clarification of the voting procedure with two Councilmembers and the Mayor absent.

**City Attorney Wendell Willard** stated a quorum would constitute four members of Council. Since there are four Councilmembers in attendance, they are able to proceed with business. The provisions in the Charter state the Mayor Pro-Tem shall assume the duties and powers of the Mayor during the Mayor's disability or absence, except that the Mayor Pro-Tem shall continue to vote as a Councilmember and may not exercise the Mayor's prerogative to vote only in the case of a tie. He stated Mayor Pro-Tem DeJulio would participate as a normal Councilmember with any vote.

Mayor Pro-Tem DeJulio asked if a 2-2 vote would be a tie.

City Attorney Willard responded correct. A 2-2 vote would be a tie. If it is a Zoning matter, there is case law that states that a tie constitutes a denial of the application. Council also has the authority to defer, if there is a vote of three or more for a deferral. As to other matters that aren't zoning, it is his opinion Council would be in a position to defer an issue by a tie vote, with no action.

**Councilmember Chip Collins** stated if there is a 2-2 vote on a zoning matter, that has the effect of a denial. He asked what Council can do, if they don't want the matter to stand in denial.

City Attorney Willard stated if there is a tie vote of 2-2, in effect the motion has failed. Council would then have the ability for a second motion, which would be a motion to defer. If the motion to defer did not pass, then the effect of the 2-2 tie would constitute a denial.

**(Agenda Item No. 10-232)**

1. Public Hearing and Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for 2009 CDBG Program

**Community Development Block Grant Manager Vann McNeill** stated the Evaluation Report is for the Block Grant Program and is usually due every September. The report covers the July 1, 2009 - June 30, 2010 period. It describes the progress with the program the City has made this year. Highlights include a survey and design contract on Roswell Road that is approximately 90% complete. Those plans are with GDOT being reviewed. There is approximately \$1.2 million to construct the first phase. It will go out in November for invitations to bid. The City met HUD's expenditure requirement on May 1, 2010. The City drew about \$600,000 out of the line of credit for the year. Council added about \$35,000 to the current contract to do survey work for building sidewalk on Hightower Trail in the near future. That change order was issued a couple of weeks ago. All of the other planning and reporting requirements have been met for the program.

**Mayor Pro-Tem Tibby DeJulio** called for public comments in support of or opposition to this application. There were no comments from the public. The public hearing was closed.

**Motion and Vote:** Councilmember Collins moved to approve Agenda Item No. 10-232, Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for 2009 CDBG Program. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-233)**

2. **RZ10-006/U10-005/CV10-007** - 1105 Mount Vernon Highway, *Applicant: Dunwoody Storage LLC*, To rezone the subject property from C-1 conditional to C-1 to allow for additional commercial uses within the existing building, with concurrent variances and a use permit to maintain the existing self-storage facility

**Assistant Director Planning and Zoning Patrice Ruffin** stated this application is a rezoning request for Dunwoody Self Storage to allow a service commercial use. The use would be a beauty salon within the 5,000 square feet of retail space approved in the building earlier this year. Staff is recommending approval conditional of the request and the associated concurrent variances. The petition was heard at the August 19, 2010, Planning Commission Meeting and the Commission recommended denial.

**Pete Hendricks, 6085 Lake Forest Drive, Representative of Dunwoody Storage, LLC.** stated the application is to remove from condition 1.b. the prohibition of personal services, which includes beauty shops. In February 2010, Council approved the application for up to 5,000 square feet to be used as retail space. The applicant has the opportunity to lease out individual areas that are on the ground level to private individuals that are licensed cosmetologists by the State. The idea here is, as opposed to being in a large beauty salon and working for someone else, they would be able to come in as a private business person and lease their own space and have the benefit of the total income coming to them. The current site plan has a number of associated variances, a number of which have already been approved under the previous zonings. The last zoning performed included a parking reduction from forty-seven parking spaces to twenty-one. The applicant reviewed the parking spaces available, and is now requesting a reduction from seventy-one parking spaces to forty-eight. There are actually forty-eight spaces available right now. Thirty-three parking spaces are on site. City staff asked the applicant to do an offsite parking agreement at Home Depot for three employees, which was increased to another dozen. The fifteen offsite parking spaces at Home Depot added to the thirty-three on site is a total of forty-eight parking spaces. For the beauty shop there would be a reception area in the front. Initially the applicant would start out with a portion of the front leased out to see what the market would absorb. The rest of the area to the rear would be conventional self storage leasing. At the time of the Planning Commission Meeting it was thought that there had always been a tremendous amount of community opposition to this matter and that is not the case. There has always been complete support for what has been requested by Mr. Linder. The use for this application fits and is compatible. The Use Permit evaluations are in compliance and appropriateness with the request. Regarding the concurrent variances, staff has commented on each of them stating the application is within the spirit, policy, and intent of the Zoning Ordinance and in basic harmony. There would be no detriment to the public, should Council see fit to approve the concurrent variances. It is interesting to note there is another self storage on Roswell Road that has in place as part of its retail component a barber sharp. Smallwood Reynolds created the design of the building and also the interior. Mr. Linder would be leasing space to dually licensed cosmetologists. This gives confirmation of the integrity of the operation.

**Tom Linder, 1105 Mount Vernon Hwy., Dunwoody Self Storage,** stated the reason for this previous application was to find additional ways to generate revenue. Over time and through research he believes that using the retail space for this use would be the best thing to do. The applicant began this process by meeting with various City departments. He congratulated the City Departments on their professionalism.

**Trisha Thompson, 145 River North Drive, Sandy Springs Council of Neighborhoods,** stated she has spoken on behalf of Mr. Linder a total of six times. She regrets that she was not at the Planning Commission Meeting to clarify what she is hoping are errors of remembrance. There was never any public opposition to any application Mr. Linder brought to the City Council. She has no way of explaining why the Planning Commission voted they way they did. A few weeks ago she rented a storage unit from Mr. Linder. She is not fully standing in support of the application. She would like to clarify there has never been public opposition.

**Mayor Pro-Tem Tibby DeJulio** called for public comments in opposition to this application. There were no comments from the public. The public hearing was closed.

Mayor Pro-Tem DeJulio stated he has never heard of people going to a self storage unit to have their hair done or to buy items other than self storage type of items. Is this a new trend being done because of the economic times?

Mr. Linder stated you know the district and the building. The thing that is unusual is putting self storage in that building. He does not believe you would find another building like that in the country for self storage use. The building and location is more what you would find for this use. The applicant has done many feasibility inquiries to see what is best for the community and to help increase the cash flow of the building in these times. They have found that the ladies hairdo is higher up on the household budget than the family storage unit. He assured Mayor and Council they will build nothing except something that is first class.

Mayor Pro-Tem DeJulio asked if Mr. Linder anticipates placing other retail type businesses in the building.

Mr. Linder stated he does not anticipate anything further at this time. If the need arises, he will come back to Council at that time.

**Councilmember Karen Meinzen McEnerny** asked if it is correct that Mr. Linder has already received Council approval to utilize up to 5,000 square feet for retail uses.

Mr. Linder responded yes. This is not additional square footage, it is the 5,000 that has already been approved.

Councilmember Meinzen McEnerny asked is it not true Mr. Linder is adding additional parking that was not available in the prior rezoning.

Mr. Linder responded correct.

Councilmember Meinzen McEnerny asked Mr. Linder if it is true that he does not plan on renting these spaces to a person that will be doing nails and other things of that sort. She added if that is true, please tell Council why the choice was made to limit it to only cosmetologists that do hair.

Mr. Linder stated he felt that after speaking with the community that they did not want to have massage parlor type retail at this location. He believes there is a market across North Atlanta where over the last five years studio hair salons have become good businesses. The State of Georgia Cosmetology Board issues a license and requires training and testing for both cosmetology and separately for people that perform massages. These are two separate licenses. He will confine who they do business with to the cosmetologists.

Councilmember Meinzen McEnerny asked about nails and the related chemicals.

Mr. Linder stated when he visited with the life safety department, he found there are requirements regarding the chemicals for the nail salons. He does not believe he wants to be in that business. He wants to limit the leasing of the space to hair salons.

**Councilmember John Paulson** stated he thinks it is a great idea.

**Councilmember Chip Collins** stated he saw someone cutting hair in the parking lot of a restaurant two nights ago. It is going on and this application seems to make sense.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-233, RZ10-006/U10-005/CV10-007 - 1105 Mount Vernon Highway, *Applicant: Dunwoody Storage LLC*, To rezone the subject property from C-1 conditional to C-1 to allow for additional commercial uses within the existing building, with concurrent variances and a use permit to maintain the existing self-storage facility. Councilmember Paulson seconded the motion.

Councilmember Collins asked if “personal services” is a defined term.

Assistant Director Planning and Zoning Ruffin responded no, it would be “service commercial”.

**Motion to Amend and Second:** Councilmember Collins moved to amend the motion to revise staff condition 1.b. to read as follows, “To prohibit the following uses: Indoor Amusements, Art Galleries, Clinics, Financial Establishments, Adult Establishments, Businesses Performing Specified Sexual Activities, Massage Parlors, Lingerie/Bathing Suit Modeling, Laundromats, Laundry & Dry Cleaning Shops, Libraries, Communication Services, Museums, Pet Grooming (no overnight stay), Convenience Printing Shops, Repair Shops not involving manufacturing on site, Research Laboratories, Collecting Recycling Centers, and Convenience Stores. The aforementioned uses shall be prohibited as determined by the Director of Community Development.” Councilmember Meinzen McEnery seconded the motion on the amendment.

**Vote on Amendment:** The motion carried unanimously.

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

**(Agenda Item No. 10-234)**

3. **RZ10-007/CV10-008** - 5600 Roswell Road (SR 9), *Applicant: Prado LLC*, To rezone the subject property from C-1 conditional to C-1 to add 15,000 square feet to the existing approved square footage for the shopping center, with concurrent variances.

**Assistant Director Planning and Zoning Patrice Ruffin** stated this application is a rezoning request for the Prado development to rezone from C-1 conditional to C-1 to allow an additional 15,000 square feet at the development. The applicant is also requesting seven new concurrent variances. Staff is recommending approval conditional of the rezoning request and the associated concurrent variances. The petition was heard at the June 22, 2010, Design Review Board Meeting and the application was deferred to allow additional information to be presented. It was subsequently represented and the Board recommended approval. The petition was heard at the August 19, 2010, Planning Commission Hearing and the Commission recommended approval subject to staff conditions as amended, outlined in the staff report.

**Pete Hendricks, 6085 Lake Forest Drive, Representative of Lifetime Fitness**, said the application is due to Lifetime Fitness would like to occupy the pad area anchor B. This area was initially intended for Home Depot. The applicant’s building calls for an additional 15,000 square feet above the square footage for which the property was zoned. Concurrent variance #8 has been administratively withdrawn. If you go over the staff review and analysis you will find the zoning impact analysis. Staff has found the application to be a suitable use without a detriment as far as the public is concerned. In Council’s packet there are letters from the tenants presently in Prado confirming how positive they think Lifetime Fitness would be, not only for the synergy of the Prado shopping center, but for this area of Sandy Springs.

**Jeff Melby, Vice President of Development for Lifetime Fitness**, stated Lifetime Fitness is a healthy way of life company. Lifetime Fitness is in the suburbs of Minneapolis, MN. They operate ninety family-orientated health and fitness centers across the United States, including four in the greater Atlanta

area. When the opportunity was presented to the applicant to occupy the space at Prado, they thought there is a nice business mix there already. There is a built in base of those customers that will take advantage of Lifetime Fitness. Lifetime Fitness will drive the success of the Prado. The Lifetime Fitness average member will use the facility 2-4 times per week. That will be additional cars in the development, using the retail services, using restaurants, and the ancillary services. They look forward to bringing their message to Sandy Springs.

**Mayor Pro-Tem Tibby DeJulio** called for public comments in opposition to this application.

**Patty Berkovitz, Watershed Alliance of Sandy Springs**, stated she will read a letter from Mark Sampl, who is with the Sandy Spring Council of Neighbors. He is also a neighbor within the line of sight of the possible development of Lifetime Fitness. "I'm not opposed to this application as its use would be good for our community. However, I want to be assured that the lighting from this 24/7 operation will not affect my home and nearby homes, apartments and neighbors. My home and those on Stewart Drive will have a winter view of this facility. Last winter I needed to call Sembler on several occasions to ask them to turn down their parking deck lighting. The lighting was very bright and lit up all night long. The building will be closer to our homes than the parking deck. After several meetings, the applicants insist they will not reduce, shade or dim the interior lighting at any time. The light at 8 a.m. will be the same as 3 a.m. The original Sembler plan for Home Depot did not show any windows on the west and southern sides of their building. Lifetime Fitness will have a significant number of windows on these two walls. These windows and the all night lighting are the concern. The Design Review Board and Planning Commission have asked that landscaping be used to screen this building from neighbors. I have met with Chief Arborist Michael Barnett and Lifetime Fitness's landscape architect. I want to be assured this landscaping will eliminate the all night lighting. In the meeting with Director of Community Development Nancy Leathers, she stated to the applicant that this lighting could be a code issue at some point." Ms. Berkovitz reminded Mayor and Council that Sandy Spring Council of Neighbors at the beginning of Prado helped ensure Prado had an overall good look. The Watershed Alliance also has private agreements addressing water on the entire site of the Prado. The Watershed Alliance is very happy about this project. They think it is a great and good looking project. It reduces the footprint, which is a good thing for water. There is one small area the Alliance has an issue with. The applicant is looking for additional parking that is not being required by staff. The applicant feels it is necessary to have a standard number of parking spaces for the success of their project. There is a four story parking deck at this site and three stories are empty. The applicant is adding additional parking near the retaining wall and near the parking deck. The Alliance has no issue with this. The Alliance is not happy the applicant has asked for a reduction of trees in one of the variances. They believe the solution would be to remove the eighteen parking spaces that are now in the large turn-around area. The compromise the Design Review Board and Planning Commission suggested, placing trees and reducing that parking area from eighteen spaces to twelve spaces, is a good start. The trees that were suggested are maple trees and loblolly pines for the proposed island. Maple trees lose their leaves and for most of the winter time there won't be light protection, which is what the trees are designed to do. They would still like to see the loblolly pines put in over along the sidewalk area. They would like to see the twelve parking spaces made into an island with a live oak tree to reduce the heat island effect. The live oak would be approximately eighty feet tall and fifty feet wide when full grown. The tree should screen some of the lighting coming off the southern exterior of Lifetime Fitness for the people on Stewart Drive. This is the totality of their request, that the eighteen parking spaces be removed and a tree be planted there. The Alliance would be happy to contribute a tree. They believe it would give the applicant a space to use. Picnic tables could be placed under the tree for the employees or a playground. During all of the meetings the applicant stated the eighteen parking spaces were not essential to their success at this project.

Mr. Hendricks stated the people that created the principles at Lifetime Fitness came from work out facilities that were enclosed. The philosophy of Lifetime Fitness is to have an open look and feel. This

can be accomplished by daylight coming through or by looking out at the dark and seeing lights outside. The lighting issue is a deal breaker for them. As far as the lighting is concerned, staff conditions 2.b. and 2.h. address the lighting concern in an appropriate way. Regarding the parking, that area was going to be the truck entrance for Home Depot, which would have been a high traffic area. In addition, it is where vehicles would go along the rear of Lifetime Fitness to get to Target. That is a heavily trafficked route and would not be an appropriate area to have picnic tables or a play area for children. The request that was initially put forward was for eighteen parking spaces. The Design Review Board gave encouragement to come in and do a brokered arrangement that would be a compromise. The City arborist visited the property with the applicant to give more green space to the area and do plantings that over a period of years will give a visual screen for the people that live on Stewart Drive. The people that live on Stewart Drive are approximately six hundred feet uphill. The light fixtures in the building would be recessed in the ceiling, not hanging down. This is a good compromise. He knows that a concern of Ms. Berkovitz is the coming and going from it being a 24 hour facility. The applicant would be open to making the parking spaces there just for employees. The surface parking in the immediate area of the building is a plus and helpful. Lifetime Fitness stated the parking is not a deal breaker, but feels it is something that makes good sense. They feel they have come to a compromise that is reasonably acceptable. When getting closer to Stewart Drive, there is a creek there, so there is fifty feet of natural undisturbed buffer coming off the creek and another twenty-five feet where you cannot have hard surfaces. They also have plantings that will be placed next to the building. There is a good amount of landscaping area there that was not originally part of the application as filed. He respectfully requests approval of the application as recommended and conditioned by staff.

Mayor Pro-Tem DeJulio stated this will be a 24 hour facility. How many members do you anticipate having for the facility?

Mr. Melby stated 6,500 at maturity.

Mayor Pro-Tem DeJulio asked how long he thinks it will take to reach maturity.

Mr. Melby responded four to five years.

Mayor Pro-Tem DeJulio stated lighting is something he is sensitive to. He has a building behind his home with lights from the parking garage that shine into his bedroom, especially in the winter. Will the lighting that reaches to Stewart Drive be outdoor lighting, or the reflection from indoor lighting?

Mr. Melby stated he believes the concern the neighbors have brought up is the inside lighting. There will be exterior lighting, safety lighting, and parking lot lighting. The lighting of concern would be coming from the windows.

Mayor Pro-Tem DeJulio asked to have the lighting concern pointed out on the drawing.

Mr. Hendricks stated the area of concern is along the back westerly edge and along the south side of the building.

Mayor Pro-Tem DeJulio stated it looks like there is a small amount of parking there, but not much.

Mr. Hendricks stated this is the location of the original eighteen parking spaces which is down to twelve spaces with a horseshoe of landscaping.

Mayor Pro-Tem DeJulio asked if the main parking for the facility will be located in the parking deck.

Mr. Hendricks responded yes.

**Councilmember Chip Collins** asked to have the additional screening described that will protect the Stewart Drive residents from viewing the brightness of the interior lights. The photo of a representative facility is bigger and brighter than what he imagined.

Mr. Melby stated this is an example of a facility that was built in Birmingham, Illinois. The proposed facility in Sandy Springs will have the same feel and architectural style as well as the materials will be the same. This photo of the facility was enhanced by their photographer.

Councilmember Collins stated he has seen windows at fitness clubs like this. You can see out, but it is hard to see inside. Are tinted type windows possible here? He understands the concept; they want people inside to not feel enclosed, so they can see what is going on. He is sure it does not benefit the fitness facility for people outside to see what is going on inside.

Mr. Melby stated from their perspective, similar to working in an office building, glass windows create an environment of open space. The moment the glass is frosted, tinted or darkened, it starts to become closed space. He thinks that defeats the purpose of having the windows.

Councilmember Collins asked what other screening will be used from a landscape perspective.

Mr. Melby pointed to a site plan and indicated additional landscaping is going to be added to the rear drive, as well as the landscaping talked about in this area, and along the building.

Councilmember Collins asked what would be located along the drive.

Mr. Melby stated as far as landscaping goes, he would have to defer to staff.

**Chief Arborist Michael Barnett** stated after meeting with Mr. Sampl and the landscape architect for Lifetime Fitness, they are trying to work on two levels. It will be hard to screen because the Stewart Drive houses are higher than the Lifetime Fitness location. Staff decided loblolly pines will be used on the other side of the drive of Lifetime Fitness. These trees will grow fast and be tall for screen coverage. Near the building, cryptomeria and arbovitae trees will be planted to add additional screening against the building. The loblolly pines in front of the stream buffer, which is mainly deciduous material, will work as a screen in the future.

Councilmember Collins stated regarding the parking spaces, what the Watershed Alliance wants is to eliminate all the parking spaces and create a landscaping island with a tree in the middle, which could be cost prohibitive. It was said it may cost near \$200,000. Council wonders how it could cost \$200,000, because the applicant has to break up the concrete anyways to create the landscape island in the proposal submitted to City staff.

Mr. Melby stated that is correct. He may have been wrong on the cost estimate. The applicant has not completed the detailed cost estimate yet.

Councilmember Collins stated in his opinion, the parking isn't needed. He likes the concept of getting rid of some concrete if possible. The only downside is potentially adding a lot of expense to the project. Does the applicant have someone that could give Council an estimate?

Mr. Melby responded not this evening. The parking spaces are not a must have for the business to be successful, but the spaces are needed. The applicant is hoping this facility will boom, as well as the Prado

development. No one has seen that boom yet, so no one has seen how the existing parking will work for the overall development. The applicant has tried to come to a compromise regarding the parking in that location. If the concern is the number of trips, they are willing to limit those spaces to employee only parking. The applicant is proposing to place landscaping there as well.

Councilmember Collins asked how many total parking spaces the applicant will have at their disposal for this.

Mr. Melby stated the facility has the right to park on the fourth level and overflow rights on the third level.

Assistant Director Planning and Zoning Ruffin stated the overall development has a little over 1,700 spaces.

**Councilmember John Paulson** asked Director of Community Development Nancy Leathers to address the light issue mentioned in the letter from Mr. Sampl.

**Director of Community Development Nancy Leathers** stated that none of staff can anticipate exactly how much screening there will be with the trees going in and the existing buffer. She feels comfortable that the screening will be okay, considering the building is six hundred feet from the homes on Stewart Drive. However, if there is an issue, the City has codes in place related to the lighting at the residential property line that would be enforceable on the building. She told Mr. Sampl that is the final point. The only lighting issue left is the interior lighting.

Councilmember Paulson stated it was brought up that half the trees are deciduous. Is one way of dealing with this to make all the trees evergreen, so they will be able to screen the lights all year?

Chief Arborist Barnett responded that could be a condition of zoning. Four of the total number of trees shown on the plan are deciduous trees, but could be additional evergreens.

**Councilmember Karen Meinzen McEnery** stated she heard a statement that Mr. Melby does not need this particular parking area. Is this correct?

Mr. Melby stated as far as moving forward with the project, he cannot say that if these parking spaces go away, they will back out of the deal. The applicant believes those parking spaces will provide a nice amenity to the employees.

Mr. Hendricks stated the applicant will leave this issue up to the Mayor and City Council.

Councilmember Meinzen McEnery asked if it would be reasonable to frost the glass on the southern and western exposure on the top two levels. This could allow the daylight to come in. She believes the lower two levels will be protected by the evergreen shrubbery.

Mr. Melby stated it might be reasonable, but they would not do that.

Councilmember Meinzen McEnery stated from what she understands, the parking at the development is five parking spaces per 1,000 square feet. In this application the applicant is asking for a variance for a reduction of two hundred.

Mr. Hendricks stated they worked with Doug Trettin on this issue. The different uses have different break-outs as to what the requirement is. The figure is approximately 2,000 parking spaces and the

applicant is asking for 1,700 parking spaces. Staff has indicated the applicant is closer to what is required for parking with this application than with what has already been approved.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-234, RZ10-007/CV10-008 - 5600 Roswell Road (SR 9), *Applicant: Prado LLC*, To rezone the subject property from C-1 conditional to C-1 to add 15,000 square feet to the existing approved square footage for the shopping center, with concurrent variances, and to accept the compromise as submitted by the applicant with the following conditions: to limit the 12 spaces to employee parking; and to allow the arborist to add evergreen trees as needed to the area along the stream buffer. Councilmember Paulson seconded the motion.

**City Attorney Wendell Willard** stated he was not sure he understood the motion. He asked if it was leaving open a design of the site plan not before Council at this time. He stated that to have an Ordinance adopted, Council needs to have in front of them specifically what is going to be adopted. His concern is doing something that may modify the specifics of the site plan with drives, parking, etc.

Councilmember Meinzen McEnery asked Chief Arborist Barnett if the green space is sufficient for the plant materials, the loblolly pines and cryptomeria, to thrive.

Chief Arborist Barnett stated that was looked at. There is a condition 2.b. which allows subject to the City Arborist and the applicant's landscape architect field approval, said screening for the southwest and parking plan. Additional trees may need to be added.

Mayor Pro-Tem DeJulio asked if this is something that can be handled administratively.

Chief Arborist Barnett responded yes.

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

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

#### **(Agenda Item No. 10-235)**

1. A Resolution to Rename Heards Drive/Heards Road to Raider Drive between Heards Ferry Road and Powers Ferry Road

**Assistant Director Planning and Zoning Patrice Ruffin** stated this application is a request from Riverwood High School. The request is to change Heards Drive to Raider Drive. In staff's analysis it was determined that the entire segment of Heards Drive and Heards Road, between Heards Ferry Road and Powers Ferry Road, needed to be changed as a complete section and not to leave a portion of the road with a separate name. Staff is recommending approval for that complete segment change to Raider Drive or some other name, should Council choose to do so.

**Mayor Pro-Tem Tibby DeJulio** called for public comments in support of or opposition to this application.

**Eddie Echols, 6851 Roswell Rd. NE #C-7, Principal of Riverwood International Charter High School**, stated he has been working at the school for eighteen years. He has worked as the Principal for

eight years. The school was recently named #1 school by Newsweek in Fulton County and #2 in the State of Georgia and #148 in the nation. The school is proud of the accomplishments they have made as well as being a part of the Sandy Springs community. The school became a charter school two years ago. The school mascot is a raider. The road involves the school, the fire station and one resident. The school feels it would be a neat thing to rename the street for more recognition of the school. The resident here is a former Riverwood parent and he respectfully asks that the resident's desire to keep his address be considered. The school would like the street to be renamed to Raider Drive.

**Steve Mahana, 5845 Heards Road**, stated he'd like to thank Council and especially Councilmember Meinzen McEnerny. They are the only Heards Road address in the 30327 zip code and are located inside I-285 on the south side. They had two children graduate from Riverwood High School and strongly support the name change on the north end of the street from Heards Ferry to I-285. They are the only residence affected by the address change and would like to keep their address. When they first moved to the neighborhood eighteen years ago, they had great difficulty with their mail. They believe the reason they had problems with their mail was because they are the only address located on Heards Road in 30327. If there is a name change, they will have the same problems with the mail. He and his wife both work from home and believe the address change would be a slight inconvenience. From what he understands, the Police and Fire Department do not object as first responders to their existing address. Their concern is they would like to keep their address as Heards Road.

Mayor Pro-Tem DeJulio asked if Mr. Mahana has a GPS.

Mr. Mahana stated he does.

Mayor Pro-Tem DeJulio asked what street address it shows on the GPS in front of his house.

Mr. Mahana when he first got his GPS and typed in 5845 Heards Road, it stated "no such address". He would have to type in 5900 Heards Road. His address, 5845 Heards Road, is now on his GPS unit.

Mayor Pro-Tem DeJulio stated he has a problem with his GPS unit. He lives on Rivoli Circle, but it shows he lives on High Point Road, because he lives on the corner. He asked Mr. Mahana if, knowing that first responders may have a problem with his address, he still wants to keep his current address.

Mr. Mahana stated it would not be a problem with the Fire Department, because they are a half block away. The Police Department, from the correspondence he has seen, has expressed no concern.

Mayor Pro-Tem DeJulio stated he does not want a situation in the future where a first responder will not be able to get to the Mahana's home. He asked Mr. Mahana if, knowing there is a possible problem for first responders, he still wants to keep his current address.

Mr. Mahana responded yes.

Mayor Pro-Tem DeJulio closed the public hearing.

**Motion and Second:** Councilmember Collins moved to approve Agenda Item No. 10-235, A Resolution to Rename Heards Drive to Raider Drive and leave what is currently Heards Road in the zip code 30327 as is. This would result in Raider Drive extending from Heards Ferry Road to the south end of the I-285 Bridge. Councilmember Meinzen McEnerny seconded the motion.

**Councilmember Karen Meinzen McEnerny** stated she applauds the efforts of all parties involved. She fully supports this compromise.

**Councilmember John Paulson** stated he asked Deputy Chief DeSimone about this issue, if the road name should be left as is. The response was to get another Heards out of the list of street names would be a good thing, an improvement.

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

Mayor Pro-Tem DeJulio stated he would like to mention to Community Development and Public Safety there are a several other streets that are confusing. There are a couple in the HighPoint area; Green Pine and Kayron Drive. Council has discussed before that these street name issues need to be taken care of.

Assistant Director Planning and Zoning Ruffin stated there is a work program. Staff needs to get a policy in place first, and bring that to Council. Once that is done, the street name changes will be brought to Council.

Councilmember Paulson stated he would ask Community Development and the Police Department to make recommendations on any additional signage at the corner of Heards Road and Powers Ferry Road. He would like to do this to clear up any confusion.

**(Agenda Item No. 10-236)**

2. A Resolution to Rename Brandon Mill Road to Grogans Mill Drive between Grogans Ferry Road and Morgan Falls Road

**Assistant Director Planning and Zoning Patrice Ruffin** stated at the City Council Work Session two weeks ago Council asked staff to look at alternate names for the street. Staff recommended Adair Overlook and a few other names. At the briefings, Council indicated they wanted staff to look at Adair by itself and see if it had any different suffixes in Fulton County. There is an Adair Drive in Atlanta, but no other Adair addresses to be concerned with. If Council wants to choose Adair Road or Adair Lane, that would be fine.

**Mayor Pro-Tem Tibby DeJulio** asked the purpose of changing this street name.

Assistant Director Planning and Zoning Ruffin stated there are two sections of Brandon Mill Road. There is a small section that runs behind City Hall and a large section that runs off Riverside Drive. The name change is for the small section. There are no addresses impacted on this section of street.

**Councilmember John Paulson** asked where the name Adair came from.

Assistant Director Planning and Zoning Ruffin stated Adair is related to the chimney at Overlook Park.

**Councilmember Karen Meinzen McEnerny** stated the residents of Grogans Bluff did not want Grogans Mill. Forest Adair was an executive with Georgia Power. He used the cabin site for many years as a getaway. The William and Sarah Powers family occupied the cabin from 1839-1902, when Morgan Falls Dam was built. The Powers family then sold the land to Georgia Power. Following the completion of the dam, Forest Adair purchased the site where the chimney is now. She is fine with the name change to Adair Road or Adair Lane.

Councilmember Paulson stated he likes Adair Lane.

**Councilmember Chip Collins** stated either name is fine.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-236, A Resolution to Rename Brandon Mill Road to Adair Lane between Grogans Ferry Road and Morgan Falls Road. Councilmember Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-237)**

3. Consideration of Approval of a contract to construct Project T-0002, Abernathy Park Phase 3 Project Subject to Validation and Approval by the Legal and Finance Departments

**Deputy Director of Public Works Jon Drysdale** stated this agenda item is for Phase 3. It includes fencing, landscaping, park cleanup, and some limited walls. It went out for bid on September 3, 2010. Six bids were received and the low bid is Knight and Associates, Inc.

Mayor Pro-Tem DeJulio asked what the budget is on this.

Deputy Director of Public Works Drysdale stated the budget on this phase was about \$750,000. Part of the money was taken out to do landscaping work around the trees and for irrigation sleeving required under the road. The City is still within the \$750,000.

Mayor Pro-Tem DeJulio asked if they are \$200,000 below the budget.

Deputy Director of Public Works Drysdale stated yes. The way this project works is if there is a savings in a previous phase, unless it is reallocated, it gets attributed to the current part of the project.

**Motion and Second:** Councilmember Collins moved to approve Agenda Item No. 10-237, Approval of a contract with Knight and Associates, Inc., to construct Project T-0002, Abernathy Park Phase 3 Project Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Meinzen McEnery seconded the motion.

**Councilmember John Paulson** stated it says there is \$3.63 million budgeted for this, we are at \$2.3 million, and this \$500,000 takes us to \$2.8 million. What percent complete is this project compared to how much money has been spent?

Deputy Director of Public Works Drysdale stated we are currently on track. It is approximately a fourteen million dollar total approved plan for the park.

Councilmember Collins asked how there was an \$800,000 difference in the bids?

Deputy Director of Public Works Drysdale stated staff is seeing that in a few situations. Some companies are much hungrier than others. A few companies subcontract more than others.

Councilmember Paulson stated the low numbers will go away overnight as soon as business picks up. It is good the City is having this work done now.

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

**(Agenda Item No. 10-238)**

4. Agreement for Transportation Enhancement Activities with GDOT for Abernathy Park Construction (T-0002), Phase IV

**Deputy Director of Public Work Jon Drysdale** stated this item is a grant. Staff just now got the project agreement in place. This Phase IV has already been designed and is soon to be out to bid. This document

needs to be executed by the Mayor, so in the future the City will be able to draw on the funds. The amount is \$700,000 and there is a 20% match for the City.

**Motion and Vote:** Councilmember Collins moved to approve Agenda Item No. 10-238, Agreement for Transportation Enhancement Activities with GDOT for Abernathy Park Construction (T-0002), Phase IV. Councilmember Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-239)**

5. A Resolution to Approve the Initiation of Rezoning for the 220 Sandy Springs Circle Located in Land Lot 89, District 17, Sandy Springs, Fulton County Georgia

**Director of Community Development Nancy Leathers** stated the next three items are initiation of rezonings where Fulton County approved occupancy at a shopping center for uses that were not permitted in the conditions of zoning. Once staff was aware of the issue, they initiated the rezonings to correct these situations and so the people can continue with their businesses.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-239, A Resolution to Approve the Initiation of Rezoning for the 220 Sandy Springs Circle Located in Land Lot 89, District 17, Sandy Springs, Fulton County Georgia. Councilmember Paulson seconded the motion.

**Councilmember Karen Meinzen McEnery** stated the use was limited to retail. In the City's Zoning Ordinance, the definition of retail excludes restaurants. The Brooklyn Café is not an approved use. She asked if this is typical of the following two agenda items.

Director of Community Development Leathers stated that is correct. Staff began to notice this pattern had evolved when there was a rezoning before Council near Perimeter Center West and Mount Vernon Highway. That location had a few restaurants that had been approved contrary to conditions of zoning. Staff is correcting the zoning discrepancies as they find them.

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

**(Agenda Item No. 10-240)**

6. A Resolution to Approve the Initiation of Rezoning for the 200 Morgan Falls Road Located in Land Lot 77, District 17, Sandy Springs, Fulton County Georgia

**Director of Community Development Nancy Leathers** stated she would like to reiterate her previous presentation. She asked Council to approve this agenda item.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-240, A Resolution to Approve the Initiation of Rezoning for the 200 Morgan Falls Road Located in Land Lot 77, District 17, Sandy Springs, Fulton County Georgia. Councilmember Paulson seconded the motion.

**Councilmember Karen Meinzen McEnery** stated the slight difference here is this site has been zoned industrial, because of the extraction of dredging material. By bringing this area back to the original zoning of R-2, it will accommodate the City's beautiful new park.

**Mayor Pro-Tem Tibby DeJulio** asked why the City does not have a zoning classification for Recreation and Parks.

Director of Community Development Leathers stated there is a classification for private uses. For public uses, you usually leave the zoning consistent with the surrounding uses.

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

**(Agenda Item No. 10-241)**

7. A Resolution to Approve the Initiation of Rezoning for the 7700-7760 Spalding Drive Located in Land Lot 313, District 6, Sandy Springs, Fulton County Georgia

**Director of Community Development Nancy Leathers** stated this property is located at the corner of Spalding Drive and Holcomb Bridge Road. This is similar to the first initiation of Rezoning item.

**Motion and Vote:** Councilmember Paulson moved to approve Agenda Item No. 10-241, A Resolution to Approve the Initiation of Rezoning for the 7700-7760 Spalding Drive Located in Land Lot 313, District 6, Sandy Springs, Fulton County Georgia. Councilmember Collins seconded the motion. The motion carried unanimously.

**REPORTS AND PRESENTATIONS**

- a) Mayor and Council Reports

**Councilmember Karen Meinzen McEnery** stated the City Manager, John McDonough, and Communications Director, Judy Parker, are key members of the City's Inaugural Veterans Day Ceremony. The City of Sandy Springs will be holding an inaugural Veteran's Day event on November 11, 2010, at 2:00 p.m. at Overlook Park. This event will feature the Armed Forces Band. There will be a keynote speaker, Lt. General Stephen Wickam, who is recently retired and lives in Madison, GA. He is a veteran of the Afghanistan War. There will be awards re-presented for valor to five or so soldiers that recently returned from Afghanistan. They are members of the 48<sup>th</sup> Infantry Brigade, Georgia National Guard. There will be five veteran service organizations that will have booths at the event.

**Mayor Pro-Tem Tibby DeJulio** stated this past weekend he had a reunion with fellows in his military company from Vietnam whom he had not seen in forty-one years.

Councilmember Meinzen McEnery stated there are two veterans on the Sandy Springs Council: Councilmember John Paulson, who was a Marine; and Councilmember DeJulio, who received a Purple Heart and is a Vietnam Vet. One of the veteran service organizations is the Atlanta Association of Vietnam Veterans. Deputy Chief DeSimone is going to assist with the American Legion Post 140, which has quite a few Sandy Springs veterans as a part of that Post. The civilian aide to the Secretary of the Army for Georgia, Duke Doubleday, has assisted with securing all the military assets. The doors open at 12:00 p.m. The presentation of colors will occur at 2:00 p.m.

Councilmember John Paulson stated the Gwinnett Technical College proposal was discussed at the last City Council Meeting. He went to the North Fulton Mayors' breakfast meeting last Wednesday where Gwinnett Technical College was going to hand out the RFP. The RFP wasn't quite ready. It should come out within the next couple of weeks.

- b) Staff Reports

There were no staff reports.

**PUBLIC COMMENT**

**Bill Gannon, 505 Taunton Way**, stated Amy Wenk will be leaving the Sandy Springs Reporter. It is important how the media covers the City. He thanked Amy for the great work she has done portraying the City in the news.

**EXECUTIVE SESSION**

There was no executive session.

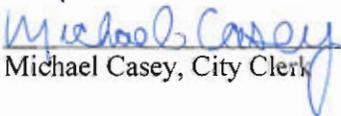
(Agenda Item No. 10-242)

**ADJOURNMENT**

**Motion and Vote:** Councilmember Collins moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:52 p.m.

Date Approved: October 5, 2010

  
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Eva Galambos, Mayor

  
\_\_\_\_\_  
Michael Casey, City Clerk