

**Invocation**

Paul Ferrarone, Apostles Lutheran Church offered the invocation.

**Call to Order**

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

**Roll Call and General Announcements**

**Acting City Clerk Tye** reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

**Acting City Clerk Tye** called the roll.

**Councilmember's Present:** Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny.

**Pledge of Allegiance**

Mayor Galambos led the Pledge of Allegiance.

**Approval of Meeting Agenda** *(adds or remove items from agenda)*

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 08-318, Meeting Agenda. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consent Agenda**

**(Agenda Item No. 08-319)**

1. Approval of a Force Account Agreement Contracts for Signals Cabinets and Intelligent Transportation Equipment and authorization for the City Manager to execute the contracts.

**Resolution No. 2008-12-67**

*(Angelia Parham, Public Works Director)*

**(Agenda Item No. 08-320)**

2. Approval of the Renewal of Sandy Springs Tennis Center Operating Agreement.

*(Ronnie Young, Director of Parks and Recreation)*

**(Agenda Item No. 08-321)**

3. Approval of an Ordinance to amend Chapter 58, Article I of the City's Code of Ordinances to add a new Sec. 58-8 to establish the requirements for an individual, business, private contractor or other entity to obtain a permit before utilizing the services of an off-duty public safety officer to direct traffic in a public right-of-way within the City of Sandy Springs (the "City").

*(Wendell Willard, City Attorney)*

**(Agenda Item No. 08-322)**

4. Approval of an Ordinance to amend Chapter 2, Article I, of the City of Sandy Springs (the "City" Code of Ordinances to add a new section 2-2 to provide for the establishment and implementation of a records management system for the effective and efficient maintenance, retention, preservation, and disposal of records generated by the City in the performance and administration of its official duties, pursuant to the Georgia Records Act, O.C.G.A. § 50-18-90, et seq.  
*(Wendell Willard, City Attorney)*

**(Agenda Item No. 08-323)**

5. Approval of an Intergovernmental Agreement Between The City of Sandy Springs, Georgia and The City of Smyrna, Georgia for the Housing of Prison Inmates.  
*(Wendell Willard, City Attorney)*

**(Agenda Item No. 08-324)**

6. Approval of Intergovernmental Agreement with the Fulton County Board of Education for the use of Woodland Charter Elementary School.  
*(Wendell Willard, City Attorney)*

**(Agenda Item No. 08-325)**

7. Approval of a Resolution to Rename Birkenhead Drive to Sewell Drive.  
*(Nancy Leathers, Director of Community Development)*

**(Agenda Item No. 08-326)**

8. Approval of a Resolution Appointing Members to the Design Review Board.  
**Resolution No. 2008-1268**  
*(Nancy Leathers, Director of Community Development)*

**(Agenda Item No. 08-327)**

9. Approval of a Resolution to Adopt the City of Sandy Springs 2009 Planning and Zoning Schedules.  
*(Nancy Leathers, Director of Community Development)*

**Motion and Vote:** Councilmember Jenkins moved to approve the Consent Agenda. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

## PRESENTATIONS

### Life Saving Awards

**City Manager McDonough** stated that on April 15, Sandy Springs Fire and Rescue Engine 2 and Rescue 2 were dispatched to a reported person down due to possible overdose. Upon arrival on the scene, Rescue 2 made entry and found a 28 year old female lying down on the bed unconscious and unresponsive. The patient was in respiratory arrest, had a very weak pulse, and was seconds away from cardiac arrest. Rescue 2 and Engine 2 began ACLS Protocols which included the LMA Airway which gave the patient the ability to receive oxygen; they inserted an Easy IO IV into the patient's right Tibia to provide IV Fluids and life saving cardiac drugs. Crews then gave the patient life saving drugs to counteract the overdosing of narcotics; they then prepared the patient for transport to Northside Hospital. This patient is alive and doing well today because of these individuals and the prompt care that they provided.

Awards of recognition were presented to: Crew Chief Greg Grady, Crew Chief Tony Brown, Crew Chief Jason Taylor, Fire Rescue Technician Kristene Sisson and Fire Rescue Technician Gerald Adams.

**City Manager McDonough** stated that on January 1, 2008, Sandy Springs Fire and Rescue Engine 2, Quint 2 and Rescue 2 responded to 290 Hilderbrand Drive on a reported 59 year old person down. Upon arrival crews found the patient in cardiac arrest with a bystander performing CPR. The bystander witnessed the arrest and initiated the 911 system. SSFR crews began ACLS Protocols by starting an IV, inserting an LMA Airway device and life saving cardiac drugs. Within 8-12 minutes, the patient was breathing on his own and had his eyes open and was responsive. This was a textbook cardiac save. The patient is alive and doing fine.

Awards of recognition were presented to: Crew Chief Greg Grady, Crew Chief Tony Brown, Crew Chief Jason Taylor, Crew Chief Mark Ware, Fire Rescue Technician Kristene Sisson, Fire Rescue Technician Gerald Adams and Fire Rescue Technician Jarrett Purifoy.

## **PUBLIC HEARINGS**

### **River Corridor Review**

#### **RC08-04SS at 655 River Chase Point**

**Assistant Director of Land Development Blake Dettwiler** stated this item is a River Corridor Review for the property at 655 River Chase Point. The owner of the property proposes the construction of a garage and outdoor patio onto an existing single family residential home on lot 69, Block "C" of the River Chase subdivision. The site is 0.67 acres, located in the vulnerability categories "C", "D" and "F", with a maximum allowed area of disturbance of 15,371 square feet and a maximum allowed area of impervious surface at 9,434 square feet.

The subject application was submitted to the Atlanta Regional Commission on October 17, 2008, and was found to be consistent by the Atlanta Regional Commission on November 1, 2008.

Mayor Galambos called for public comments. There were no comments in support or in opposition of this petition.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 08-328, RC08-04SS at 655 River Chase Point. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

#### **Consideration of Approval of an Ordinance to amend Chapter 109, Article II: Floodplain Management Ordinance of the Code of the City of Sandy Springs.**

**Assistant Director of Land Development Blake Dettwiler** stated this item is an Ordinance to amend Chapter 109, Article II: Floodplain Management Ordinance to include a list of Special Flood Hazard-Flood Prone Permitted Uses currently residing in the Zoning Ordinance.

The text amendment will clearly define what uses are permitted in the Special Flood Hazard-Flood Prone areas as defined in Chapter 109, Article II of the Code of the City of Sandy Springs.

Mayor Galambos called for public comment. There were no comments from the public.

**Motion and Vote:** Councilmember Paul moved to approve Agenda Item No. 08-329, an Ordinance to amend Chapter 109, Article II: Floodplain Management Ordinance of the Code of the City of Sandy Springs.

Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

## Zoning

### Rezoning

#### **Consideration of approval of RZ08-014/U08-008/CV08-012 - 1155 Hammond Drive, Applicant: Hammond Center Joint Venture**

**To rezone the subject property from O-I conditional to MIX for the development of 20,000 square feet of restaurants, 50,000 square feet of retail space, 20,000 square feet of restaurant space, 120-room hotel (existing), and 398 apartments, with concurrent variances and a use permit to exceed the maximum district height.**

**Assistant Director of Planning and Zoning Ruffin** stated that the applicant is requesting to rezone the subject property from O-I Conditional to MIX for the development of 20,000 square feet of office space, 50,000 square feet of retail space, 20,000 square feet of restaurant space with an existing 120-room hotel and 398 residential units.

The applicant is also requesting a use permit to exceed the maximum district height and ten (10) concurrent variances.

Staff is recommending conditional approval of the rezoning request, the use permit request and concurrent variances No.'s 1, 3, 5, 6, 9 and 10.

The petition was heard at the November 20, 2008 Planning Commission hearing. The Commission recommended deferral of the application subject to the revisions and requested information found in City Council packet.

**Woody Galloway, Dillard & Galloway, LLC**, stated that the Planning Commission did recommend a deferral and this is acceptable to the applicant. The applicant will revise the site plan and go back before the Planning Commission for approval.

Ms. Ruffin stated that it would go before the Planning Commission in January and back to City Council in February.

Mayor Galambos called for public comment. There were no comments from the public.

**Motion and Vote:** Councilmember DeJulio moved to defer Agenda Item No. 08-330, RZ08-014/U08-008/CV08-012 - 1155 Hammond Drive, Applicant: Hammond Center Joint Venture to the February 17, 2009 Regular Council Meeting. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

#### **Consideration of approval of RZ08-019/CV08-021 - 208 Sandy Springs Place, Applicant: Sandy Springs Executive Center, LLC**

**To rezone the subject property from C-1 conditional to MIX for the development of a 24,611 square foot retail and office building, with concurrent variances.**

**Assistant Director of Planning and Zoning Ruffin** stated that the applicant is requesting to rezone the subject property from C-1 Conditional to C-1 for the development of a 4-story, 24,611 square foot office and retail building with one (1) concurrent variance.

Staff is recommending conditional approval of the rezoning request at a lesser density and denial of the concurrent variance request.

The petition was heard at the July 22, 2008 Design Review Board meeting. The Board recommended approval as requested by the applicant.

The petition was heard at the September 18, 2008 Planning Commission hearing and was deferred by City Council at the October 21, 2008 hearing.

Following those meetings, the applicant submitted a revised request deleting the concurrent variance request and modifying the request to comply with the conditions originally presented by staff and including a limitation on the uses that would be permitted on the property.

The Planning Commission heard the case at the November 20, 2008 hearing and recommended approval subject to the limitation on the uses which is found on page 58 in Council packet. Staff would like to note that the restaurant uses should be limited, which has been agreed to by the applicant from 7:00 a.m. to 9:00 p.m., instead of 11:30 p.m.

**Pete Hendricks, 6085 Lake Forrest Drive**, stated that the applicant has amended the application as staff requested to do with density and height. The applicant at that time withdrew the request of the concurrent variance. The neighboring townhomes worked with the applicant and worked through issues with them.

Mr. Hendricks sent a letter in memorializing certain restrictions on use, otherwise permitted under the C-1 district. City staff has a copy of the letter. He requested that the final conditions of zoning reflect the prohibited uses that all have agreed to together with the restriction of hours of operation.

The applicant respectfully requests approval of the application by City Council as it has been modified and amended as recommended by the Planning Commission for approval and by staff.

Mayor Galambos called for public comment. There were no public comments either in support or in opposition of this application.

Councilmember Paul requested confirmation that the neighboring townhomes are in support of this application as amended. Mr. Hendricks confirmed.

**Motion:** Councilmember Paul moved to approve Agenda Item No. 08-331, RZ08-019/CV08-021 - 208 Sandy Springs Place, *Applicant: Sandy Springs Executive Center, LLC.*, To rezone the subject property from C-1 conditional to MIX for the development of a 24,611 square foot retail and office building, with concurrent variances, and subject to the staff conditions. **Second and Vote:** Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of RZ08-029/CV08-025 - 7355 Roswell Road (SR 9), 7385 Roswell Road (SR 9), & 690 Dalrymple Applicant: Hartman, Spielman & Wood, LLP**  
**To rezone the subject property from C-1 conditional to C-1 for the development of an 11,800 square foot CVS Pharmacy building, with concurrent variances.**

**Assistant Director of Planning and Zoning Ruffin** stated that the applicant is requesting to rezone the subject property from C-1 Conditional to C-1 for construction of an 11,800 square foot CVS Pharmacy. The applicant is also requesting five (5) concurrent variances.

Staff is recommending conditional approval of the rezoning request and the concurrent variances.

The petition was heard by the Design Review Board on September 23, 2008. The Board recommended approval subject to some amendments. Based on those amendments the applicant did revise their proposal.

The petition was heard at the November 20, 2008 Planning Commission hearing. The Commission recommended approval subject to staff conditions amended as outlined in staff report.

**Ted Sandler, Hartman, Simons, Spielman & Wood, LLP, 6400 Powers Ferry Road**, stated that he is representing Metro Group Development, a designated developer for CVS. CVS has contracted to purchase two properties adjacent to each other in the north east quadrant at the intersection of Dalrymple and Roswell Road. The applicant is combining the two properties to redevelop it for a CVS of 11,800 square feet. The applicant has worked with staff, the neighborhood and CVS to come up with a site plan that has gone through a number of iterations. In all the conversations regarding this application, the use has never been an issue. The neighborhood has embraced the idea of having a CVS at this location. In order to make this project work, the applicant is requesting the following five (5) concurrent variances:

1. A variance to reduce the requisite number of parking spaces from 59 to 53 (changed from 55) Section 18.2.1, Basic Off-Street Parking Requirements).
2. A variance to reduce the north (rear) five (5) foot landscape strip for property adjacent to C-1 zoning to two (2) feet for a distance for approximately 40 feet to allow for locating a dumpster at the northeastern corner of the lot (Section 4.23.1, Minimum Landscape Strips and Buffers).
3. A variance to reduce the required eastern side 25 foot buffer and 10 foot improvement setback next to North Springs High School for a distance of approximately 240 feet to a 2 foot landscaped strip (changed from an 11 foot landscape strip) to allow for the construction of a shared access driveway along a portion of the eastern property line and relocation of the dumpster/compactor to the northeast corner of the lot per staff recommendations and for a drive-through window to served the proposed CVS (Section 4.23.1 Minimum Landscape Strips and Buffers).
4. A variance to reduce the required eastern five (5) foot landscape strip to zero feet for a distance of approximately 190 feet to allow for the shared access driveway between the proposed development and the adjacent commercial property (Section 4.23.1, Minimum Landscape Strips and Buffers).
5. A variance to reduce the required 40 foot building setback off of Roswell Road (Section 9.1.3 C) to 32 feet (changed from 28 feet) due to the narrow width of the northern parcel.

All issues have been resolved with the neighborhood and with staff. If this application is approved tonight, CVS will close early next year and start construction once permits are issued. CVS hopes to have store open before October 2009.

Mayor Galambos called for public comment.

**Patty Berkovitz, Sandy Springs Council of Neighbors**, explained that Trisha Thompson could not attend the meeting tonight and had asked her to read a short statement to City Council. "We the Sandy Springs Council of Neighbors worked with three (3) Homeowner's Associations, Elizabeth Height Condo's, Wilder Cliff and North Riverside in meeting with the applicant. The Council of Neighbors spoke with two (2) District 4 Representatives from Spalding Woods and Hunters Branches. Everyone would like this corner to be made beautiful and hopes that City Council will get this accomplished".

Mr. Sandler reviewed the site plan with City Council.

Councilmember Fries requested that Mr. Sandler explain each of the changes from the first design.

Mr. Sandler stated that the Design Review Board's recommendations were:

1. No loading docks are allowed to face Roswell Road. (SR 9)
2. Architectural EIFS treatment on the north elevation to match the architectural features on the west elevation similar to the other three sides of the building.
3. Roof-mounted equipment shall be screened and some architectural treatment for the back side of the Dalrymple Road elevation if such is visible from Roswell Road.

Based on comments received from a local resident the applicant reversed the color scheme to muted shades of brown brick and tan stucco architectural renderings. The applicant has also agreed to add a planting treatment to the corner of the lot to beautify the entrance. The applicant modified the site plan by including the goose neck lights along the front at the neighbor's request. The applicant also reduced the signs to make a cleaner look.

Mr. Sandler stated that the Planning Commission's recommendations were to reduce total number of parking spaces to 44, approve subject to staff conditions, reduce buffer and improvement setback to a 2 foot landscape strip, approve subject to staff conditions and reduce building setback along Roswell Road (SR 9) to 32 feet.

Mayor Galambos questioned how staff felt about the variance request. Ms. Ruffin stated that staff recommends approval. The request is on the school side of the property and staff felt it was not necessary to have a buffer there.

Councilmember Fries thanked Mr. Sandler for all the changes made to the site because it looks great. She commented on the parking regarding the Planning Commission wanting to reduce it even more. She believes that the City needs to continue with bringing together the parking regulations because the use on the property may change sometime in the future. She is comfortable with the 54 parking spaces and not at all comfortable with the Planning Commission's recommendation of 43 parking spaces.

Councilmember MacGinnitie questioned if 53 parking spaces was the correct number or did that number need to change. He questioned if Condition f. needed to be changed. Ms. Ruffin stated that it did.

Councilmember Meinzen McEnery stated that she has asked staff to prepare and show photographs of buildings that are within one half mile of this property. Photo's shown: Walgreen's at Trowbridge, photo facing Roswell Road of the storage facility next to Marsh Creek. On both buildings are peaked roof which provide wonderful elevations to the street. This gives a lot of interest and provides for the next 30 plus years a good visage for citizens. It is a highly traveled corridor.

Councilmember Meinzen McEnery stated that she is disappointed that the applicant's architectural elements are not in keeping with the Jolly Development that is across the street. Jolly Development worked long and hard with the neighbors and got nice architectural elements on property similar to the photo's shown. She would prefer to see the peek parapets that are similar to the photos. The Planning Commission made comments in their meeting to stream the view from Dalrymple Road going east bound. Dalrymple is high up, and on Roswell Road they will be able to see that top vertical visage elevation that the applicant is proposing. She believes that peek roofing would add a great deal to the applicant's streetscape. She likes the applicant's materials and has no comment about the color scheme. It is the flatness and verticality of it. Hunter's Branch neighborhood supported the peek elevations. She questioned if the applicant could consider the addition of some of these peeked roofs on the Roswell Road elevation (west side) and the southern side facing Roswell Road to be in more keeping with the architecture surrounding and if not, she would like to know the reason.

Mr. Sandler stated that the applicant met with the Council of Neighborhoods and told them that he would consider a parapet fronting on Dalrymple over the entrance, but not on Roswell Road. This is a very expensive site for CVS. CVS made changes to raise the parapet to cover more shield, the view coming down Dalrymple of the roof top units.

It is a very expensive change to add the parapets with everything else CVS has agreed to change. The applicant was able to do everything else but could not accommodate this one thing for the Council of Neighborhoods.

Councilmember Meinzen McEnery stated that very recently the Walgreens, across from Long Horns, is putting in a similar size facility and are able to get some elevation changes. It seems that CVS would be more in line with their competition.

Councilmember Paul questioned when this application was submitted. Ms. Ruffin stated that the applicant submitted his application in September. The application has gone through the Design Review Board, the Planning Commission and now, at the very last minute we are trying to redesign this.

Councilmember Paul stated that it does not make sense that we are trying to redesign this in a Council Meeting when we have had four months to bring these things up. To bring these changes up at the last minute is totally inappropriate.

**Motion:** Councilmember Jenkins moved to approve Agenda Item No. 08-332, RZ08-029/CV08-025 - 7355 Roswell Road (SR 9), 7385 Roswell Road (SR 9), & 690 Dalrymple Applicant: *Hartman, Spielman & Wood, LLP*. To rezone the subject property from C-1 conditional to C-1 for the development of an 11,800 square foot CVS Pharmacy building, with five (5) concurrent variances, adopt recommendations of staff, Design Review Board and all Planning Commission recommendations except for parking lot. Change staff condition 3 f. from 55 to 53 for parking, to reduce the requisite number of parking spaces to 53 from 59, and subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A one story retail building not to exceed 11,800 square feet at a density of 6,704.54 square feet per acre, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan submitted to the Department of Community Development dated received November 20, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
  - b. To the architectural elevation and revised color scheme received November 6, 2008.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate fifty-five feet (55') from the centerline of Roswell Road (SR 9) along the entire street frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - b. The owner/developer shall dedicate thirty-five feet (35') from centerline of Dalrymple Road along the entire street frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - c. No loading docks shall be permitted to face Roswell Road (SR 9).
  - d. Roof-mounted equipment shall be screened.

- e. Prior to issuance of an LDP, the owner/developer shall provide interparcel access with the adjacent commercial property to the east. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an  
  
interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the adjacent property boundaries, prior to the issuance of an LDP.
- f. To reduce the requisite number of parking spaces to 53 from 59 (CV08-025).
- g. To reduce the north (rear) 5 foot landscape strip for property adjacent to C-1 zoning to 2 feet for a distance for approximately 40 feet to allow for locating a dumpster at the northeastern corner of the lot (CV08-025).
- h. To reduce the required eastern side 25 foot buffer and 10 foot improvement setback next to North Springs High School for a distance of approximately 240 feet to a 2 foot landscaped strip to allow for the construction of a shared access driveway along a portion of the eastern property line and relocation of the dumpster/compactor to the northeast corner of the lot per staff recommendations and for a drive-through window to serve the proposed CVS (CV08-025).
- i. To reduce the required eastern 5' landscape strip to zero feet for a distance of approximately 190 feet to allow for the shared access driveway between the proposed development and the adjacent commercial property (Section 4.23.1, Minimum Landscape Strips and Buffers) (CV08-025).
- j. To reduce the side yard setback requirement along the Roswell Road (SR 9) property frontage from the required forty (40) feet to thirty-two (32) feet (CV08-025).

**Second and Vote:** Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of RZ08-032/U08-014/U08-015/CV08-027 - 1140 & 1150 Hammond Drive,  
Applicant: Senior Care Development, LLC**

**To rezone the subject property from MIX conditional to MIX for the development of 753,000 square feet of commercial and office space, a 160-room hotel, 479 senior housing independent living apartments, and a health center with a combined 92 skilled and assisted living beds, with concurrent variances and use permits.**

**Assistant Director of Planning and Zoning Ruffin** stated that the applicant is requesting to rezone the subject property from MIX conditional to MIX. This case came before City Council last year and the applicant is bringing it back before City Council to change the apartment units in the development and the two (2) 30-story towers that were originally approved, to change from 400 normal apartments to 479 senior housing independent living apartments combined with 92 skilled and assisted living beds. The applicant is requesting that three (3) concurrent variances approved last year be carried over. The applicant is also requesting one (1) additional concurrent variance. Staff is recommending approval conditional of the rezoning request use permit and the concurrent variance request.

The petition was heard at the November 20, 2008 Planning Commission hearing. The Commission recommended approval.

**Carl Westmoreland, 1545 Peachtree Street**, stated this application was heard by City Council last year; however, it is not the same applicant. This is the southeast corner of the Corporate Campus Development. The applicant there was Ackerman, this is only a portion of that and the applicant is Senior Care Development.

The applicant proposes to incorporate a continuing care retirement community in lieu of the currently approved 400 residential units. The continuing care retirement community will consist of 479 senior housing independent living apartments units and a health center with a combined 92 skilled and assisted living beds. Despite the increase in the number of units, which is why the applicant is here seeking modification, there is about a 11.5% decrease in the daily traffic count and the benefit that it does not impact the schools which is important to the neighborhoods. The applicant

is not increasing height. The units would still be contained in two (2) 30-story buildings which was the only concern of Dunwoody Chase. The variances are essentially restatements of this Council approved earlier with one exception of a stream buffer variance which should be unnecessary by the time this is developed because there is an application in to the Core of Engineers to pipe that stream. The only concern expressed at the Planning Commission was that this application not set any kind of precedent in terms of density for other residential projects. The answer to this is that this is being done under the City's new Senior Housing Use Permit.

Mr. Westmoreland questioned some of the staff conditions where it references "wherever applicable, the site plan submitted October 7, 2008" regarding the site plan condition regarding overall open space. The condition should be the applicant has 20% open space over the entire site which the applicant has always agreed on. This is the standard in the City Ordinance. Also, the common outdoor open space which is required under the use permit has to be accessible by a road. Some of these are terraces which are accessible by a road, then get into an elevator and go up in the building to get there.

**Jay Addison, Senior Care Development**, in business over 20 years and developing retirement housing, including continuing care retirement communities and are proposing to build a first class continued care retirement community in Sandy Springs.

Mayor Galambos stated that the plan is very luxurious.

Councilmember Meinzen McEnery stated that Mr. Westmoreland mentioned that the 20% open space requirement indicates that it has to be accessible to a road. She questioned that if the open space is accessible by road and then an elevator, if it would qualify.

Ms. Ruffin stated that under the Senior Housing Ordinance there is a 20% common outdoor open space for that particular component of the development which the applicant does meet on their terraces and amenity areas. There is also the 20% green space and open space that is recommended for the entire development under the live/work/regional designation which Corporate Campus as a whole meets. The applicant does meet both requirements.

Councilmember DeJulio questioned if there was a provision in this for helping with redoing Hammond Drive.

Mr. Westmoreland stated that the condition Council approved for Ackerman zoning in regards to this did not change.

**Transportation Manager Mark Moore** stated that this zoning does bring forward all of the transportation related comments and requirements from the previous overall Corporate Campus rezoning so none of those have changed. As a whole site development we will still be talking about the right-of-way dedication for the expansion of Hammond Drive and the signalization.

Councilmember Jenkins questioned if this request is approved by City Council then it would carry forward everything discussed with previous applicant. Mr. Moore stated that it would.

Mayor Galambos called for public comment. There were no comments from the public.

Mayor Galambos stated that she was thrilled when she saw the applicant's plans which included a large theater. The City needs a facility such as this in Sandy Springs. However, this community would appreciate if in some way that the facility be available to some non-profit groups to put on plays which would be wonderful for the seniors. It would mean a lot to the community and would improve the lifestyle of their residents to have outside groups come in and put on theater plays.

Mr. Addison stated that they would love to make their facility available, in coordination with these groups for performances which would benefit their residents as well as others. Mr. Addison explained that they will have to look into it in terms of operational, coordination and liability. He will be very happy to study this further.

**Motion:** Councilmember DeJulio moved to approved Agenda Item No. 08-333, RZ08-032/U08-014/U08-015/CV08-027 - 1140 & 1150 Hammond Drive, *Applicant: Senior Care Development, LLC*, to rezone the subject property from MIX conditional to MIX for the development of 753,000 square feet of commercial and office space, a 160-room hotel, 479 senior housing independent living apartments, and a health center with a combined 92 skilled and assisted living beds, with concurrent variances and use permits, subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Retail, service commercial, and/or office and associated accessory uses, including all exterior food and beverage service areas, at a maximum density of 38,759.69 gross square feet per acre or 753,000 gross square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusements, and freestanding fast food restaurants, except for bagel, pastry and coffee shops, and ice cream parlors.
  - b. No more than 479 senior housing independent living units at a maximum density of 24.67 units per acre, whichever is less. (U08-014)
  - c. No more than 92 skilled and assisted living beds.
  - d. To a maximum 160-room hotel.
  - e. The maximum building height shall be 30 stories for the two residential towers. (U08-015)
  - f. The maximum building height shall be 10 stories for the hotel. (U08-014)
2. To the owner's agreement to abide by the following:
  - a. To the site plan submitted to the Department of Community Development dated received October 7, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
- a. The minimum design standards are:
    - Minimum front yard (Peachtree Dunwoody Road): 20 feet
    - Minimum side corner yard (Hammond Drive): 12 feet
    - Minimum side yard: 10 feet
    - Minimum rear yard: 10 feet
    - Minimum heated floor area per dwelling unit: 850 square feet
    - Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.
  - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Hammond Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - d. To reduce the required twenty-five foot (25') impervious stream buffer to zero feet (0') and the required fifty foot (50') undisturbed natural stream buffer to five feet (5') to permit an encroachment of 6504 square feet of impervious surface into the twenty-five foot (25') impervious setback and 16,935 square feet of disturbed pervious and impervious area into the fifty foot (50') undisturbed buffer. (CV08-027)
  - e. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building and existing parking along the west property line as shown on the site plan dated October 7, 2008 (Peachtree-Dunwoody Road frontage) (CV08-027).
  - f. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV08-027). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
  - g. To allow internal signs throughout the site to be used as directional signage (CV08-027). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
  - h. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road. Said improvement shall be installed at such time a new Land Disturbance Permit is approved by the Department of Community Development.
  - i. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
  - j. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
  - k. The owner/developer shall provide intersection improvements and signal upgrades as may

be required by the Public Works Department.

- l. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with adjacent properties to the north and east. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future interparcel access along the entire boundary of the adjacent properties, prior to the issuance of an LDP.
- m. Housing shall be designed, constructed and operated in accord with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development. Dwelling units shall have a minimum heated floor area of 850 square feet.
- n. Each senior housing development shall have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed 1% of the total number of units within the development. Guest units shall have a maximum heated floor area of 500 square feet.
- o. Not less than 20% of the total acreage shall be maintained as common outdoor open space for the use and benefit of the residents. Said common outdoor open space shall be marked by appropriate signage and must be accessible via a road or walking trail to the rest of the development.
- p. The senior living portion of the property shall be deed restricted to senior housing except as provided for by Fair Housing laws. Each senior housing development shall post on its premises notice of its status as a senior housing development in a manner readily visible to and accessible to the residents. Such notices shall be to the approval of the Department of Community Development.
- q. The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development. Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance.
- r. Any change in the use of a senior housing project that does not comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a zoning modification and be brought into conformance with city standards.
- s. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.

**Second and Vote:** Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Approval of RZ08-024, An Ordinance to Amend Article III, Definitions, of the Sandy Springs Zoning Ordinance.**

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**Assistant Director of Planning and Zoning Ruffin** stated that this amendment is to address the deletion of definitions incorporated in the Development Ordinance which was adopted by City Council in September.

The amendment was heard at the Planning Commission hearing on November 20, 2008. The Commission recommended approval as presented by staff.

Mayor Galambos called for public comment. There were no comments from the public.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 08-334, an Ordinance to Amend Article III, Definitions, of the Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

**Approval of RZ08-025, An Ordinance to Amend Article IV, General Provisions, of the Sandy Springs Zoning Ordinance.**

**Assistant Director of Planning and Zoning Ruffin** stated that this is an amendment to Article IV, to remove provisions also incorporated into the Development Ordinance.

The Planning Commission at the November 20, 2008 hearing recommended approval as presented by staff.

Mayor Galambos called for public comment. There were no comments from the public.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 08-335, an Ordinance to Amend Article IV, General Provisions, of the Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

**Zoning Modifications**

**Consideration of approval of ZM08-015/CV08-028 - 5675 Roswell Road (SR 9), Applicant: BGAV Stonebridge, LLC**

**To modify the existing site plan for the Mosaic Apartment Complex to show the location of existing freestanding signs, with concurrent variances.**

**Assistant Director of Planning and Zoning Ruffin** stated that the applicant is requesting a zoning modification to modify the existing site plan for the Mosaic Apartment Complex to show the location of existing freestanding signs. The applicant originally requested two (2) concurrent variances. One, for the signs to exceed the maximum sign face square footage and the second to reduce the required setback from the right-of-way.

Staff is recommending denial of the zoning modification request and the concurrent variances.

The petition was heard at the October 28, 2008 Design Review Board meeting. The Board recommended approval of the setback reduction subject to the signs being brought into conformance with the maximum square footage requirement set by the Code.

The applicant has submitted a revised design for the signs showing a reduction in the size of the sign face.

**Ellen Smith, Holt, Ney Zatcoff & Wasserman, 100 Galleria Parkway**, stated that some of the confusion that has been going on with the application has been solved.

**Regular Meeting of the Mayor and City Council**

**December 16, 2008, 6:00 p.m.**

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This property is approximately 40 acres and fronts on Roswell Road and on Lake Placid Drive. The property is improved with one of the largest apartment communities in Sandy Springs. There are approximately 504 apartment units which were constructed more than 30 years ago.

The applicant purchased this property along with four (4) other properties in the city of Sandy Springs in 2007. Since that time, the applicant has been working diligently to try and make these apartment communitys better places to live for the residents of city of Sandy Springs. As part of that, the applicant has been committed to making substantial renovations to all of their properties, including this one, and improving them for quality of life purposes.

One of the other things the applicant decided to do with respect to this property, which in hind sight might not have been a great idea, was to try and rebrand the property. The property known as "Stonebridge Apartments" was renamed the "Mosaic of Sandy Springs".

The applicant engaged a sign company to assist with re-branding the Project. Previously called the "Stonebridge Apartments", the applicant sought to re-create the image of the Project and make it more attractive to residents of Sandy Springs.

The applicant's sign company prepared new sign faces to be installed on the signs, without any change or increase in the shape or size of the structure of the signs, believing this to be in compliance with the nonconformity provisions of the City's Zoning Ordinance. Unfortunately, the sign company did not obtain appropriate face change permits and its attempts to do so were denied because such a change was deemed to be a "material change" to the nonconforming signs. Accordingly, the applicant filed an application to correct the deficiency and legitimize the signs so that there was no longer any nonconformity. She explained that even with this sign face change, the structure of the sign has been there for decades.

At the Design Review Board meeting held October 28, 2008 the applicant received Design Review Board approval with one caveat; the applicant conformed to the sign square footage requirement under the City's Ordinance. Two days later, the applicant submitted five (5) sign plans to City staff to ensure they were meeting the Design Review Board's recommended approval and that the sign faces will be changed out and made smaller at the City's request. Currently there are two signs, a double face sign at the entrance on Roswell Road and a smaller single face sign at the signal of Lake Placid and Roswell Road intersection. The single face sign currently is approximately 60 square feet. That sign face would be reduced to 16 square feet. The design of the sign will remain the same. The actual sign face and plastic part of the sign is smaller and complies with the square footage requirement of the sign. It will not change the structure of the sign.

Councilmember Jenkins questioned staff if the applicant had big lettering and staff is requesting smaller lettering.

Ms. Ruffin stated that is correct.

Councilmember Fries questioned the price of this type of new panels. Ms. Smith stated that the cost is approximately \$40,000 each.

Ms. Smith stated that the concern the Design Review Board had was that the applicant has alleviated the request for a concurrent variance. The square footage does comply with the Ordinance requirements. Staff has advised the applicant that the revised sign plans meet the height requirement for the sign. Both signs front on Roswell Road and are within the Main Street Overlay District. The Main Street Overlay District Regulations allow for signs that go up to ten (10) feet high. Double face signs are 8.3 feet high and single face sign is 8.1 feet high. This is not a variance the applicant will have to seek.

With respect to the double face sign, the sign at the entrance of the property meets the 10 foot setback requirement set forth in the Zoning Ordinance. There is no variance for setback that the applicant is seeking this evening for that sign. With respect to the sign that is located at Lake Placid/Roswell Road intersection, the applicant is seeking setback variances. The Ordinance requires that with respect to an intersection, signs be no closer than 20 feet to the intersection. This sign is 15.10 feet from the intersection of the two right-of-ways; therefore, the applicant is seeking a setback reduction of 4.8 feet. Additionally, the sign must be set back at least 10 feet from both the Roswell Road right-of-way and the Lake Placid Drive right-of-way. It is set back more than 10 feet of the Roswell Road right-of-way. It is not set back more than 10 feet at its closest point to Lake Placid Drive. At its closest point, it is only 4.9 feet away from right-of-way. Accordingly, the applicant is seeking a variance of 5.1 feet with respect to that.

She had the opportunity this morning to speak with Public Works staff, Mark Moore. The comments that are raised are the clear zone concern under the American Association of State and Highway Transportation officials. There is a clear zone requirement. The AASH Standard is not with respect to visibility. The clear zone concept is to address concerns that drivers are running off of roadways and colliding with manmade objects; mailbox, utility poles, signs, coverts,

retaining wall, even trees. If someone is trying to avoid a crash while traveling along and veers off the right-of-way, would there be enough room for their car to stop without hitting something. She stated that there is a guardrail along Roswell Road that one would hit way before hitting either one of these signs.

As soon as the applicant learned about this concern, they engaged Kimberly Horn Engineers to look at the issue. The Kimberly Horn report reflects that of the crashes reported by the GDOT, none of those involved damage or destruction of either of these signs. The owner of the property has never had a problem with someone running into either of the signs. The clear zone is not viable or practical in respect to this. Kimberly Horn's analysis of the location of the signs noted they have been located there for decades but do not materially or adversely impact visibility on Roswell Road or Lake Placid Drive. More than 85% of accidents reported along Roswell Road over the last three years were related to crashes traveling along Roswell Road on the opposite side of the road, involving mostly head-on collisions. This was one of the main concerns. The AASH Standards are just that, they are standards and guidelines. They only suggest an approximate center of a range to be considered, not a precise distance. With respect to the double face signs, the AASH Standards would impose a setback requirement that is double the zoning setback requirement along this portion of Roswell Road.

Mayor Galambos called for public comment. There were no comments from the public.

Councilmember DeJulio stated that he does not see how the City can encourage people to improve their property and tell them to spend \$120,000 to change the face of a sign that has been there for 30 years.

Councilmember Fries stated that she appreciates staff taking care of the City and wanting to bring the signs up to standards, but this is a good looking sign. Shame on the applicant for not talking to staff first, but she likes this sign better than a shrunken one.

Councilmember MacGinnitie stated that this is the Design Review Board's job, which they do all the time. They have all the considerations and cost factors and come up with recommendations. His tendency is to defer to them because he does not feel like micro managing the City's Sign Ordinance. Secondly, the City will be sending a message, whether intending to or not. If the City is serious about enforcing its Sign Ordinance, these are the hard cases. He is incredibly sympathetic about the applicant having to spend that kind of money. If the City is serious about having its businesses comply with all ordinances passed, a line needs to be drawn.

**City Attorney Willard** stated that Council will need to make a motion to approve the requested modification and included with the setback modification will be the retention of the current sign face that is in place now.

**Regular Meeting of the Mayor and City Council**

**December 16, 2008, 6:00 p.m.**

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**Motion:** Councilmember DeJulio moved to approve Agenda Item No. 08-336, ZM08-015/CV08-028 - 5675 Roswell Road (SR 9), *Applicant: BGAV Stonebridge, LLC*, to allow the current sign to remain for the Mosaic Apartment Complex and to add a condition that the current landscaping remain in place and be subject to the following staff conditions:

1. To the site plan showing the location of existing signs submitted to the Department of Community Development dated and received October 7, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
2. To the existing freestanding sign height of 85.5 inches and existing sign face area of 80 square feet at the north entrance on Roswell Road (SR9) and to the existing sign height of 84 inches and existing sign face of 61 square feet at the south entrance at the corner of Roswell Road (SR9) and Lake Placid Drive.
3. To the existing freestanding sign location consisting of a four point nine (4.9) foot setback from the right-of-way of Lake Placid Drive and a fifteen point 2 (15.2) foot sign setback from the face of curb along Roswell Road (SR9) for the sign located at the south entrance as shown on the site plan referenced in condition #1, above.

**Discussion on the Motion:** Councilmember Meinzen McEnery questioned if Mr. Willard felt this would be setting a precedent.

**City Attorney Willard** stated that it is always subject to be argued but it is Council's final decision on whether or not to approve the request.

**City Manager McDonough** stated that he would like to hear from Ms. Leathers on this issue. He would like to verify that this has happened before and that this case may end up with a different type of treatment than others have received in the past.

**Director of Community Development Leathers** stated that this type of issue happens on a regular basis, particularly, when folks come in to redo signs on existing properties. Staff tells them to come in to talk with them first to make sure a permit is not needed and if they need to file for a variance, then go ahead and do that. In this case, neither of those things happened. The applicant did not ask staff or ask for permission. The applicant went ahead and replaced the face and was then cited to Environmental Court. Staff will continue to enforce the Sign regulations unless Council instructs otherwise.

Councilmember Fries questioned if the property owner was fined. Ms. Leathers stated that they were.

Ms. Smith stated that the applicant did get a "Notice of Violation" but did not go to court; nor was the applicant cited. Ms. Leathers stated the applicant filed for the variance after the notice. Now that Council has approved this, the City will not prosecute this case further.

Councilmember Paul stated that while the City may allow the applicant to put up this sign, he does not want to have this in addit any adjudication of the violation that occurred. He questioned how this would be done.

**City Attorney Willard** stated that it is still a pending violation. The applicant would have a good argument before the judge and solicitor of what was cited before as a violation having now been approved by Council as permissive even though at the time that it occurred, it constituted a violation.

**Director of Community Development Leathers** stated that she does not believe the City could cite them for the sign being too large but the citation for doing the sign change without a permit is what could be prosecuted.

Councilmember Jenkins stated that she does not want to encourage people changing sign faces without coming to the City. She would however like to still be able to go forward against the sign company for that. She questioned if the City could still cite the sign company.

City Attorney Willard stated it would have to be the property owner. Ms. Leathers stated that the citation would be given to whoever controlled the sign at the time.

Ms. Smith stated that it was her understanding that the property manager that was on site received the notice of violation. It included a violation as far as the safe changes and a banner. It is her understanding that those signs were immediately removed which cured that aspect of violation. She was called by City staff and the applicant filed for a variance. This sign contractor is no longer working for the applicant.

Ms. Jenkins stated that she does not want the courts to pursue going forward against the zoning violation for lack of coming in to get a permit because she does not want to send that message to the other property owners and sign company that it is okay to come in after a violation. She would like to make sure that the applicant can still go forward for changing out the sign without having to come to Magistrate Court.

Mayor Galambos questioned if a condition could be added that the sign could remain if the applicant keeps the current landscaping in place.

**City Manager McDonough** explained that given the Council's concern about this matter and the fact that a precedent is being set this item should be remanded back to the staff for review. If there is economic viability of these existing signs and the cost benefit is not there to change them out, then perhaps staff should take a closer look.

Councilmember Paul stated that Council has to make a policy decision. It makes sense that if the applicant has had a sign there for 30 years and just wants to change the face plate, he should probably be able to do that. Council has instructed staff that whenever these changes are made the signs need to be smaller. Recommendations are needed.

**Second and Vote:** Councilmember Fries seconded the motion. The motion carried 5-1, with Councilmember MacGinnitie voting in opposition.

#### **New Business:**

#### **Consideration of Approval of a Resolution to establish December 26, 2008 as a City Holiday.**

**City Manger McDonough** stated that that there will be a minimum impact on citizens, the call center will remain open, public safety services will not be impacted, no financial impact to the City. Staff recommends that Council declare Friday, December 26, 2008 to be an official holiday.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 08-337, a Resolution to establish December 26, 2008 as a City Holiday. Councilmember Paul seconded the motion.

Councilmember DeJulio questioned how this would affect the City's public safety officers.

**City Manger McDonough** stated that it would not affect them any differently than any of the other ten (10) holidays the City has established. The employees will get a comp day that they have to use within 180 days.

**Vote:** The motion carried unanimously.

**Consideration of Approval of an Ordinance to amend Chapter 58, Article I of the City's Code of Ordinances to add a new Sec. 58-7 to establish license requirements and fees, impound facility requirements and for other purposes relating to nonconsensual towing carriers and to implement a public electronic notification system to enhance the ability of the City and its citizens to locate vehicles towed within the City.**

**City Attorney Willard** stated that Councilmember MacGinnitie has taken a great deal of time to look at the Ordinance and has made some suggestions. He would like the opportunity to meet with Chief Sult and Councilmember MacGinnitie to discuss the suggestions. He requested that this item be deferred to the first meeting of January.

Councilmember Jenkins stated that she would like to put a couple of the "whereas" back in. The City needs to make it clear that PFC has the authority to regulate the towing companies and give municipalities the ability to implement this as the enforcement arm.

**Motion and Second:** Councilmember Paul moved to defer Agenda Item No. 08-338, an Ordinance to amend Chapter 58, Article I of the City's Code of Ordinances to add a new Sec. 58-7 to establish license requirements and fees, impound facility requirements and for other purposes relating to nonconsensual towing carriers and to implement a public electronic notification system to enhance the ability of the City and its citizens to locate vehicles towed within the City to the January 6, 2009 Regular Council Meeting. Councilmember MacGinnitie seconded the motion.

**Discussion on the Motion:** Councilmember Meinzen McEnery asked for clarification regarding the revised page 3, it indicates that the Police Department is authorized to engage the services of a person or entity to provide notice to the owners of the towed vehicles. She questioned if this would be a new obligation on the City's staff.

**City Attorney Willard** stated that it would not. This would allow the department to get the information of the registered owner of the vehicle.

**Vote:** The motion carried unanimously.

**Consideration of Approval of a Resolution to authorize the acceptance by the City of Sandy Springs (the "City") of a gift of that certain tract or parcel of land located in Land Lot 93 of the 17<sup>th</sup> District, Fulton County, Georgia, consisting of one-fourth (1/4<sup>th</sup>) acre of unimproved real property, know as 0 Long Island Drive (the "Property"), and to take any and all action required to be taken to effectuate the transfer of said Property.**

**Resolution No. 2008-12-69**

Councilmember Meinzen McEnery recused herself.

**City Attorney Willard** stated Stephen R. Guttery presently owns the property and wishes to convey the Property to the City as a donation pursuant to a limited warranty deed to be used as the City determines is in its best interest and the best interest of its citizens.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 08-339, a Resolution to authorize the acceptance by the City of Sandy Springs (the "City") of a gift of that certain tract or parcel of land located in Land Lot 93 of the 17<sup>th</sup> District, Fulton County, Georgia, consisting of one-fourth (1/4<sup>th</sup>) acre of unimproved real property, know as 0 Long Island Drive (the "Property"), and to take any and all action required to be taken to effectuate the transfer of said Property. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Public Comment**

**Jennifer Steele, 4827 Kitty Hawk Drive**, expressed her gratitude along with the Cherokee Overlook for accepting the land donation gift.

**Adjournment**

**Motion and Vote:** Councilmember Paul moved to adjourn meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:39 p.m.

**Date approved: February 3, 2009**

  
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Eva Galambos, Mayor

  
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Michael D. Casey, Interim City Clerk