

Regular Meeting of the Sandy Springs City Council was held Tuesday, July 15, 2008, 6:00 p.m., Mayor Galambos presiding.

Invocation

Terry Quick, First Baptist Church of Sandy Springs gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:03 p.m.

Roll Call and General Announcements

City Clerk Rowland 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.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Paul moved to amend the Meeting Agenda by (a) removing Item No. 6, MOU with Cobb County regarding the Abernathy Greenway Project from the Consent Agenda and adding it to the Meeting Agenda, (b) adding an agenda item authorizing the Mayor to sign the 2009 Capital Paving Program; and (c) entering into Executive Session after Presentations for the purposes of Personnel and Real Estate matters. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Motion and Vote: Councilmember Paul moved to approve the meeting agenda as amended. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

1. Meeting Minutes:
 - a. June 10, 2008 Work Session Minutes
 - b. June 25, 2008 7:30 a.m. Special Called Meeting
 - c. June 25, 2008 6:00 p.m. Special Called Meeting
2. Approval of an Intergovernmental Agreement with Fulton County for the provision of Animal Control Services.

3. Approval of a Resolution authorizing the City Manager to sign the contract with Blount Construction for the 2008 Local Assistance Road Program.
Resolution No. 2008-07-30

4. Approval of the acceptance of Right-of Way in Land Lot 93 of the 17th District, Rosedale Condominiums.
Resolution No. 2008-07-31

5. Approval of a Resolution to urge the Development Authority of Fulton County and the Fulton County Board of Assessors to present any offer for ad valorem tax abatement to City Council for review and approval before offering the tax abatement
Resolution No. 2008-07-32

- (Item removed from Consent Agenda by motion and vote)**

6. Approval of an MOU with Cobb County regarding the Abernathy Greenway Project.
(Angelia Parham, Public Works Director)

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

Presentations

Proclamation honoring Target on the 25th Anniversary of National Night Out

Councilmember Paul read the Proclamation honoring Target on the 25th Anniversary of National Night Out. Proclamation presented to Al Brown, Store Manager, Jennifer Yoki, Executive Team Leader Assets Protection and Derek Sorkin.

Presentation of River Park Master Plan

Whit Alexander, 220 W. Crogan Street, Lawrenceville, stated that they have been working with ARC, staff and several of the Councilmembers on refining the River Park Master Plan. There is a big difference in the plan today than what was shown to City Council previously. A larger promenade and almost a River Walk feel development along the rivers edge. Taking the streetscape program with the pavers and bringing those along the rivers edge with a place for a small overlook. There would be connections to a small office park with raised front panels and large, almost front porch type swings seen under arbors framing it. Next to that would be playgrounds and large open lawn area and an open picnic shelter. A restroom is provided and an opportunity next to the restroom for future expansion. Access to the DNR boat ramp and DNR is going to improve it. Georgia Power is going to provide access to a fishing pier. All of this will connect through the Promenade River Walk as it goes though the park and crosses over to both locations where the Conservancy is planning to replace the bridge. ARC sees this as a great improvement and supports this concept of the River Park Master Plan.

Mayor Galambos and City Council are pleased with the River Park Master Plan as presented.

Bill Gannon gave a report on the Sandy Springs Tennis Association.

Vicki Willard reported that the first annual Sandy Springs Parade of Nations is going well. City personnel are helping with implementing all of the plans and support is being received from the business community.

Mayor Galambos wished Councilmember Meinzen McEnery Happy Birthday.

(Item moved on agenda by motion and vote)

Executive Session -Personnel & Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss Personnel and Real Estate issues. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 6:20 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 6:55 p.m.

Public Hearings

Livable Centers Initiative

Consideration of approval of a Resolution adopting the Roswell Road Corridor Livable Centers Initiative study.

Resolution No. 2008-07-33

Transportation Planner Moore stated that this is a public hearing on the LCI Study and Public Works recommends approval of a Resolution adopting the four Roswell Road Corridor Livable Centers Initiative study.

Mayor Galambos called for public comment.

Jane Kelley, 4590 Windsor Park Place, Representing High Point Civic Association – High Point Civic Association supports the consistency of the LCI with the Comprehensive Land Use Plan. The Association encourages transit models form base codes, the design guidelines that have been encouraged. The Association would like to have the definition of retail especially at the Windsor Parkway Node better defined. They like the idea instead of widening Glenridge during the alternate access road which would be parallel to I-285 and are in favor of a progressive incentive structure to encourage a similar smaller tract into larger developers, façade improvements on existing businesses and the tax incentive for assemblages instead of relying strictly on height and density increases. The Association encourages the traffic impact study funded by major developers that want to come in and coordinate with the City of Atlanta especially, so that the City's plan works with theirs.

The High Point Civic Association is not in support of a reduction of setbacks which might hurt the family neighborhoods; that being if we maintain the definition in buffers between commercial and residential properties. They are opposed to anything that would create a tunnel effect down Roswell Road which could occur with reduced setbacks and building increases without adequate green space. The Association believes that transit models will help with that. The Association also believes that a further traffic study is needed before a traffic light is put in at Long Island Drive.

City Clerk Rowland read the comments of **Jennifer Steele, Cherokee Park Civic Association** into the record.

“We understand the LCI purpose and the process went as expected. We realize that what is before you is a collective viewpoint. On behalf of my neighborhood, I would simply like to point out one item for the record.

Looking in Section 5, page 85, there is a suggestion of a Pedestrian and Bike Trail west of Roswell Road. It is parallel to Cherokee Park and is situated between Cherokee Park properties and commercial interests facing Roswell Road.

I simply would like to state that this idea was not suggested by Cherokee Park. We realize that this is not the arena for discussion of its implications; after all, there are other forums. We simply would like it known that this is an area of concern for our neighborhood. Thank you.”

Councilmember MacGinnitie stated that he has a significant problem with the bike paths that are being suggested to be put through private property that is not currently on any right-of-way that the City owns. It seems to be taking a step too far to suggest that the City will be running bike paths through the back of middle of someone’s property that are not currently on right-of-ways or being used by cars today.

Transportation Planner Moore stated that one of the ideas that came out of the LCI process and some public supports were the idea to increase some non vehicular connectivity into the trail system. One of the ideas, the one Ms. Steele’s comment referred to was the idea of doing sort of a trail or bike path or pedestrian pathway behind some possible redevelopment along Roswell Road could be designed in such a way that would provide an additional buffer between some sort of commercial use and the single family and also provide a non vehicular access to the backs of those properties to the commercial sector without having to get onto Roswell Road for local traffic.

The other idea that was used was the idea of using the same type of trail system along either within or adjacent to some of the existing stream buffers that we have for some of the creeks and streams that run through this area. In that case it would be more amenities and a recreational trail. The other would function sort of like allies to some extent in some of the urban areas or back accesses from the neighborhood that would be a pedestrian and bike program.

There were a number of pro’s and con’s that were brought up about this at the meeting by the staff department and the community. Safety was looked at and so forth. Some were that the connections have to be able to connect at different commercial nodes and that is part of the reason you see the one adjacent to Cherokee Park and the one going from Belle Isle. Staff also looked at the topography that would be possible to do that. Before any of these would be implements, staff would need to take that a step further in order to nail down all of the answers to those issues such as safety, viability and feasibility and so forth.

Mayor Galambos stated that it was worked out in the Work Session that much of what this livable community input presents is agreeable. None of it can be implemented without the votes of the Council. The thought that was expressed is that the City will never have the money/allowance in the foreseeable future to do all the things that are in this report and that the City will be concentrating on the Roswell Road streetscape.

Councilmember MacGinnitie stated that makes since but it would not be his dream to require somebody to have this run through the middle of their property.

City Attorney Willard explained that the City could not do this without acquiring by gift, purchase or condemnation.

Mayor Galambos stated that there were other sections to which exception was taken so Council is not adopting this as something the City is necessarily going to do.

Councilmember Fries stated it is a dream but the transportation plan and the LCI Plan are all things in the future. She has stated many times that this does not bind the City but all of the things Council has been looking at on this are City property and enhancements of city roads. Now, it has been taken a step further and she is uncomfortable with going onto private property and having these pipe dreams. She does not want any alleys at the southern end of I-285 because they are real hard to patrol. The connecting commercial nodes are why we have the streetscapes and sidewalks to connect and use for walking on City right-of-way. She does not like this. Councilmember Meinzen McEnery and she have spoken on this and her neighborhood does not want this in their backyard. She believes that all should be removed.

Councilmember Meinzen McEnery stated that she echo's the Cherokee Park Board President as well as the concerns of Councilmember Fries. She believes that from attending these meetings the intention of the Cherokee Park and Belle Isle was to be put on the commercial property if it was redeveloped, not actually go in and take it on the private but it still does add access to people's property that she would not support. The City can handle this by a transmittal letter. If Council decides tonight to call out the pedestrian suggestions, the report can stay as it is and prepare a transmittal letter for ARC outlining the things Council wants taken out.

Her second concern with this report is that it recommends the widening of Glenridge. She would like to stipulate in a transmittal letter that the City does not plan on widening Glenridge and does not accept that section of it.

Councilmember Jenkins stated that she has the same problem as the other Councilmember's and Jennifer Steele with the pathway in the transportation plan for some that are running through private property in District 4, and she will vote that both of those be removed. Councilmember Fries point is correct in that the reason the City is doing the streetscape along Roswell Road is to get pedestrians to the commercial centers where they want to shop. If the City can do it with a transmittal letter then she sees no reason to strike every page in the LCI study when it can be done in a transmittal letter.

Councilmember DeJulio stated that the purpose of the LCI Study was to promote alternate means of transportation. Alternate means non vehicular transportation such as bicycles and walking. The only piece of property in the study that has widening is Glenridge Drive which he is totally opposed to. One redeeming social value he can find to keeping that in the LCI study is if it allows the City to have additional funding from LCI to do whatever concept studies are done there. Otherwise, he would like to see the LCI modified and that one word is taken out where it says "expanding or widening". For example, the streetscapes and bicycle paths on Glenridge Drive are wonderful ideas but the widening of Glenridge needs to go away.

Motion and Vote: Councilmember Meinzen McEnery moved to approve a Resolution adopting the Roswell Road Corridor Livable Centers Initiative study and include a transmittal letter to ARC listing the following amendments to the study's 5-year transportation implementation plan: Remove T-8 and T-9 from the implementation plan. Revise the project description of T-10 to the following "Glenridge Drive Improvement – to include design and construction of landscaped median, mid-block crossings, bicycle lanes, and wide sidewalks with streetscapes"; and remove any reference to capacity improvements as part of this project. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

Alcoholic Beverage Applications

Consideration of approval of Alcoholic Beverage License Application for Cocktail Cove Grill & Bar at 5840 Roswell Rd Sandy Springs, GA 30328. Applicant is Annette Schulman for Consumption on the Premises Wine, Malt Beverage and Distilled Spirits.

Interim Director of Administrative Services Patterson stated that this application is relative to a new business. Staff has reviewed the application and all the requirements have been met. A public hearing has been advertised and staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve the Alcoholic Beverage License Application for Cocktail Cove Grill & Bar at 5840 Roswell Rd Sandy Springs, GA 30328. Applicant is Annette Schulman for Consumption on the Premises Wine, Malt Beverage and Distilled Spirits. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Zoning

Zoning Modification

ZM08-003/CV08-008 - 285 Northland Ridge Trail, Applicant: Joseph B. Hutchison To modify condition 2.a. and 3.b. of Z88-0053 to revise the approved site plan and reduce the required 50 foot setback along the east property line, with concurrent variances.

Ordinance No. 2008-07-29

Senior Planner Ruffin stated that this is a zoning modification application request to change the conditions of Fulton County zoning case Z88-0053 to amend the approved site plan for the subject property and to reduce the required 50 foot building setback along the east property line to 35 feet.

The applicant is also requesting two concurrent variances and intends to construct the single family residents on the property.

The petition was heard at the May 20, 2008 and June 17, 2008 Mayor and City Council hearing. The applicant requested deferral to allow additional time to continue working with the neighboring properties.

On July 3, 2008 the applicant submitted a revised site plan with an additional no-build area shown adjacent to the properties west, east and south. The applicant has also submitted a copy of private agreements reached with neighboring property owners.

The staff is recommending approval conditional of the zoning modification request and the concurrent variances request subject to the conditions listed in Council packet. Staff would like to add to condition 1.e. The maximum building footprint is exclusive of any garage and/or deck area.

Pete Hendricks, 6085 Lake Forrest Drive, stated that the Community Development Department was in receipt on July 14, 2008, another revision for plan which came out of trying to give consideration and response to the abutting property owner. He requested that should City Council approve this zoning modification that it is subject to the plan revision submitted on July 14, 2008.

Before City Council is a plat as it was approved by Fulton County. Due to the change in the Flag Lot ordinance the applicant has tried to come up with a site plan that is sensitive to a reasonable area to build

next to the lot and also responding to concerns of the contiguous property owners and that is the result of the July 14, 2008 revision. The applicant has created a 20 x 70 foot no build area at the southeast corner of the lot. The applicant has created at the west corner of the lot the same 20 x 70 foot no build area and proposed that the building be 10 feet off of the left of the property line and have it moved 20 feet off of the westerly property line. Comment and concern had been expressed that while technically development standard would allow the rear setback to be 25 feet off the north property line, the applicant has moved it 35 feet off of the lower property line so it is one and the same with the lot that is contiguous to the west of subject property so that there is no possibility that a house could come in and be further back from the lot and the house that is to the west. The other thing to head off a mega structure going on there is the condition i.e. The biggest footprint that the applicant has would be 3,500 square feet excluding the garage and/or deck areas. A written agreement has been submitted to the Community Development Department where the property owner is contiguous to the north, east, south and west. The applicant has not met final closure with Mr. Tapp, the property owner to the west. The applicant has tried to respond to issues which were raised by giving the no build area moving from 10 feet and 20 feet, reducing the 25 feet to 35 feet so that it is one and the same with Mr. Tapp's rear north setback.

Mayor Galambos called for public comment.

Christopher Tapp, 260 Northland Ridge Trail, stated that he is the immediate neighbor to this lot. Mr. Tapp thanked Mr. Hutchinson for making changes from the original plan, making significant moves. However, there remains one issue. His concern is that the length of the driveway will be along the border of his rear yard, garden and pool area. Mr. Tapp feels that it will have a very significant and detrimental impact in terms of noise disturbance and general traffic. Mr. Tapp questioned if there could be a stipulation that would not allow the driveway to go behind the back line of the house so that it will not encroach the privacy of his backyard.

Joseph Hutchison, 3394 Lynnrae Dr., Doraville, stated that he met with Mr. Tapp and Dale Gilbert, President of Northridge Homeowners Association in early June. At that point in time, he presented a copy of the site plan and topography. One of the stipulations that Mr. Gilbert and other homeowners wanted was to bring the home forward. Mr. Hutchison stated that it was not ecologically or environmentally sound. There would be an increase in runoff. He and two other homeowners do not want it there for logical reasons of ecological and environmental impact and it does not make sense to do it that way.

Councilmember DeJulio questioned if it could be further than five (5) feet from the property line. Senior Planner stated that it could. He questioned the applicant that if Council were to specify that the driveway be more than five (5) feet from the property line would that satisfy Mr. Tapp and also allow him to do his building. On the other side of the driveway there would be landscaping. He questioned if that would allow him to do his building the way he wanted to do it.

Mr. Hutchison stated that if it exceeds five (5) feet, it would be hard to make it work. There is a minimum 30-35 feet turning radius to make the turn into the driveway.

Councilmember Meinzen McEnery questioned if the applicant planned on having some type of protection between Mr. Tapp's backyard and subject property. She questioned what could go in the no build area.

Mr. Hutchinson stated that driveways could be put there but could not put decks or pools or any covered structure in that area.

Councilmember Meinzen McEnery stated that the garage was not included in the 3,500 footprint limitation. She questioned if the garage would have any living area included. Council may want to stipulate that they do not.

Mr. Hutchinson stated that some of the most economical space you can get would be above a garage. Almost all the homes in this area have living space above the garage.

Councilmember Meinzen McEnery stated that the intent is to limit the living area size of the house. In this particular area, if the garage goes where he says it will, they would be looking right into the backyard of Mr. Tapp. It seems to her that the intent would be to limit the living area to 3,500 feet.

Councilmember Paul stated that the issue is privacy. He questioned if vegetation in that area would provide screening and protect the neighbor's privacy and allow the applicant to do what he needs to do. He questioned if that would be a viable solution.

Mr. Hutchinson stated that he could do that if they could keep the driveway within five (5) feet of the property line and along the no build area midway of Mr. Tapp's home, plantings could be put there. Mr. Tapp originally asked that they put in 20 foot high trees when they are planted. Based on experience, planting a 20 foot tree is not viable. They do not survive. Mr. Hutchinson stated that he would like to put in four (4) feet high plantings to ensure that they would survive and plant along the line as part of a landscaping plan.

Councilmember Paul suggested that one of the stipulations be that the applicant works with the City Arborist to put appropriate screening plantings there to obtain the highest maximum screen age possible in the shortest period of time.

Motion: Councilmember Fries moved to approve the modification of the conditions of Z88-0053, with regard to the above referenced property currently zoned R-3A (Single Family Dwelling District). Approved site plan submitted on July 14, 2008, change Condition 3.c, rear setback to 35 feet, applicant is to work with City Arborist on plantings, and subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. No more than 24 total dwelling units at a maximum density of 1.68 dwelling units per acre based on the total acreage zoned.
 - c. The minimum size of any lot adjacent to Green Pine Drive shall be 27,000 square feet.
 - d. The minimum heated floor area per dwelling unit shall be 2,400 square feet.
 - e. The maximum building footprint for Lot 4 shall be 3,500 square feet, exclusive of any garage and/or deck areas.
2. To the owner's agreement to abide by the following:
 - a. To submit a revised Legal Description to the Department of Community Development within 30 days of the approval of this petition, deleting the northeast portion of said property abutting Green Pine Drive as shown on the site plan referenced in condition 2.b.

- b. To the Site Plan received by the Department of Zoning on 4/29/88 and to submit to the Director of Public Works for his approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution.
 - c. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention.
 - d. To submit to the Director of Public Works for his approval prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place prior to the recording of the final plat for each phase of development.
 - e. To the site plan received by the Department of Community Development for Lot 4 dated July 14, 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. (ZM08-003)
3. To the owner's agreement to the following site development considerations:
- a. Provide a 50 foot wide natural buffer, undisturbed except for approved access and utility crossings, improvements, and replanting where sparsely vegetated and subject to the approval of the City Arborist, outside the new dedicated right-of-way of Green Pine Drive.
 - b. Provide a 50 foot building setback line for all lots adjacent to the east property line and abutting Land Lot 14, except for Lot 4 which shall have a 35 foot setback as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008.
 - c. Provide a minimum 25 foot building setback line for all lots adjacent to property zoned R-2 (Residential) and with frontage on Green Pine Drive, except for Lot 4 which shall have a 35 foot setback as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008.
 - d. Install minimum 10 foot Southern Magnolias, 10 foot on center, along the entire east property line adjacent to Land Lot 14.
 - e. The existing berm along the east property line adjacent to Land Lot 14 shall not be disturbed.
 - f. No more than 1 exit/entrance on Northland Drive, subject to the approval of the Sandy Springs Traffic Engineer.
 - g. No exit/entrance shall be allowed on Green Pine Drive.
 - h. No lot shall be allowed direct access on Northland Drive or Green Pine Drive.

- i. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.) or an alternate solution as may be approved by the Director of Community Development.
 - j. Provide and maintain off-street parking on the subject property during the entire Construction period.
 - k. To allow for an alternate building setback configuration for a flag lot as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008 (CV08-008).
 - l. To reduce the required front yard setback from fifty (50) feet to ten (10) feet along the south property line referenced as S79°28'05"E 139.96' as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008 (CV08-008).
 - m. The owner/developer shall provide a thirty-five (35) foot by seventy (70 foot) no-build area at the southeast corner of Lot 4 as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008. Said no-build area shall only apply to decks and pools.
 - n. The owner/developer shall provide a twenty (20) foot by seventy (70 foot) no-build area at the northwest corner of Lot 4 as shown on the site plan received by the Department of Community Development for Lot 4 dated July 14, 2008. Said no-build area shall only apply to decks and pools.
 - o. The owner/developer shall install landscaping, to provide a visual barrier, planted to buffer standards along the west property line of Lot 4 beginning at the northwest corner of the property and continuing for a distance of eighty (80) feet. The plant materials shall be a minimum five (5) feet in height at time of planting, a moderately fast growing evergreen with branching all the way to the ground. Said plantings shall be subject to the approval of the Sandy Springs Arborist and shall be installed prior to the issuance of a Certificate of Occupancy.
4. To the owner's agreement to abide by the following requirements, dedications and improvements:
- a. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

25 feet from centerline of Green Pine Drive.
30 feet from centerline of Northland Drive.
 - b. Improve the following roadways along the entire property frontage from the center of road to back of curb as follows:

14.5 feet from centerline of Northland Drive.
 - c. Provide a deceleration lane for a distance of 200 feet and a 50 foot taper from the protect entrance or as may be approved by the Sandy Springs Traffic Engineer.

- d. Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions and the Nancy Creek sewer relief system as determined by the Public Works Department.
 - e. Construct sidewalks along entire property frontage within the right-of-way of Northland Drive. Said sidewalks for each phase of development shall be in place prior to the recording of the final plat.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit to arrange with the City Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.
 - b. To maintain as a minimum, the tree density requirements as prescribed by the Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement, in perpetuity.

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

**ZM08-005 - 5455 Glenridge Drive Applicant: Belmont Village, L.P., To modify condition 2.a. of Z84-0153 to amend the approved site plan, with concurrent variances.
Ordinance No. 2008-07-30**

Senior Planner Ruffin stated that this is a zoning modification request to Fulton County use permit case U99-0023 to modify the approved site plan to allow for additional parking along the east property line. The applicant is also requesting four (4) concurrent variances. The applicant intends to construct 14 parking spaces along the east property line.

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

The petition was heard at the June 24, 2008 Design Review Board meeting. The Board recommended approval subject to the first 10 parking spaces build design as visitor parking spaces.

Greer Phillips, 524 West Peachtree Street, Rosser International, stated that he is a landscape architect. Belmont Village approached them to see if there was a way for them to get more parking in their facility. It is grossly under parked due to constraints of the narrow property and topography. Rosser International determined that the area that is currently landscaped along the drive was the only place found to provide parking. A schematic plan was designed showing 14 parking spaces. It does encroach on the undisturbed buffer in the 10 foot setback. Mr. Phillips approached the two property owners adjacent to this property to see if they were agreeable to this and they are fine with it.

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

Motion: Councilmember DeJulio moved to approve ZM08-005; the modification of the conditions of U99-0023, with regard to the above referenced property currently zoned TR (Townhouse Residential District) subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property to the following:

- a. Restrict the use of the subject property to a personal care home
 - b. The maximum number of beds shall be 90.
 - c. Limit the height to two stories.
2. To the owner's agreement to abide by the following:
- a. To the site plan received by the Department of Community Development dated May 30, 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. (ZM08-005)
3. To the owner's agreement to the following site development considerations:
- a. No more than 1 exit/entrance on Glenridge Drive. Utilize the existing curb cut on Glenridge Drive subject to the approval of the Sandy Springs Traffic Engineer.
 - b. Provide a 100% opaque fencing along the south and east sides of the dumpster.
 - c. Provide opaque fencing along the east property line along the area where the chain link fence exists. Existing chain link fence may be modified to make opaque. Fence material is subject to the approval of the Director of Community Development.
 - d. Provide evergreen trees along the southeast end of the building for screening. Said plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.
 - e. Plant a double staggered row of evergreen shrubs along the east property line from the end of the existing fence to the existing Virginia Pines and along the south property line. Said plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.
 - f. Replace all trees that have lost their central leaders and all plants that are not healthy, as determined by the Sandy Springs Arborist.
 - g. Compliance with conditions 3.b. through 3.h. shall be within 120 days of the approval of this use permit.
 - h. To allow the proposed surface parking area to encroach into the required twenty-five (25) foot zoning buffer and ten (10) foot improvement setback along the east property line as shown on the site plan received by the Department of Community Development dated May 30, 2008 (CV08-015).
 - i. To allow parking lot landscape islands to be installed every seventh (7th) parking space as opposed to every sixth (6th) space in the proposed parking area along the east property line and to delete the requirement for parking lot landscaping in the existing parking areas located along the east side of the existing building as shown on the site plan received by the Department of Community Development dated May 30, 2008 (CV08-015).
 - j. To reduce the required number of parking spaces from 56 to 41 as shown on the site plan received by the Department of Community Development dated May 30, 2008 (CV08-015).

- k. To allow the proposed and existing parking areas to encroach within the minimum forty (40) foot setback the north (front) property line as shown on the site plan received by the Department of Community Development dated May 30, 2008 (CV08-015).
4. To the owner's agreement to abide by the following requirements, dedication, and improvements:
 - a. Reserve for Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Forty-five (45) feet from centerline of Glenridge Drive
 - b. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to the Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of Glenridge Drive
 - c. Improve roadway along the entire property frontage with curb and gutter per Fulton County standards or as may be approved by the Sandy Springs Traffic Engineer and/or the Georgia Department of Transportation.
 - d. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - e. Provide a left turn for each project entrance or as may be required by the ~~Fulton County~~ Sandy Springs Traffic Engineer
 5. To the owner's agreement to abide by the following:
 - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for a Land Disturbance Permit with the Department of Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - c. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the Sandy Springs

Drainage Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

- d. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.
- e. Provide documentation (cross-section, profile, etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.
- f. The developer/engineer is responsible to demonstrate to the City by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum pre-developed land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.
- g. Prior to application for a Land Disturbance Permit, the developer/engineer shall submit to the Stormwater Management Section of the Public Works Department a stormwater concept plan. The stormwater concept plan shall be preliminary drawings describing the proposed location of storage facilities, discharge paths, downstream and upstream constraints and other matters with potential stormwater implications.

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

Text Amendments

Consideration of approval of an Ordinance to revise the boundaries of the Fulton Perimeter Community Improvement District

Deputy Director of Community Development Miller stated that Staff has determined it is appropriate to remove certain residential properties from the PCID which will have no positive or negative impact upon either the residential properties or the PCID as the residential properties are not taxed by the PCID and are not represented on the PCID Board as a matter of law.

The Planning Commission request at the June 19, 2008 meeting recommended deferral with remand to the Planning Commission to allow the staff to address additional changes with PCID proposed to the boundary map to include the Branches and the condominium development located in the northeast corner of the current boundary map.

Councilmember Jenkins questioned why this item had to go back before the Planning Commission.

Senior Planner Ruffin stated that it also has to go back to PCIC for vote. Allowing it to go back to the Planning Commission will allow time for PCID to look at it.

Motion and Vote: Councilmember DeJulio moved to defer Ordinance to revise the boundaries of the Fulton Perimeter Community Improvement District, as recommended by staff to the September 16, 2008 regular meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business:

Consideration of approval of a Resolution appointing Kirk Childs as an alternate to the Board of Ethics to fill the vacancy of Susan Dew.

Resolution No. 2008-07-34

Mayor Galambos proposed Kirk Childs as an alternate to the Board of Ethics. Mr. Childs has been a resident of Sandy Springs all his life. Mr. Childs lives in Mt. Vernon Woods, and is a software developer. He is a reliable and ethical person.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution appointing Kirk Childs as an alternate to the Board of Ethics. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

(Item added by motion and vote)

Consideration of approval of a Resolution authorizing the Mayor to Sign the 2009 Capital Paving Program Contract.

Resolution No. 2008-07-35

Assistant City Manager Rapson stated that Public Works recommends that the City Council authorize and approve the Mayor to sign the 2009 Capital Paving Contract.

Based on staffs review and analysis, staff has recommended that the City award the 2009 Capital Paving Program Contract to Butch Thompson Enterprises.

Motion and Vote: Councilmember Fries moved to approve a Resolution authorizing the Mayor to Sign the 2009 Capital Paving Program Contract. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

(Item removed from Consent Agenda by motion and vote)

Approval of an MOU with Cobb County regarding the Abernathy Greenway Project.

Assistant City Manager Rapson stated that this is the MOU agreement Mayor Galambos had discussion with the Cobb County Chairman. This is the MOU that would ride on top of the GDOT recommendation. It facilitates the GDOT with the new language. The City will initiate an invoice for \$188,000 and is awaiting Council approval.

Motion and Vote: Councilmember Paul moved to approve an MOU with Cobb County regarding the Abernathy Greenway Project. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Comment

City Clerk Rowland read the comments of **Jennifer Steele, Cherokee Park Civic Association** into the record.

“I just wanted to take a moment to follow up on the auction property.

As you know, the Cherokee Park Board with neighborhood input has decided not to go into our limited treasury for purchase. Despite all practical efforts, this position has not changed. Tomorrow the property goes to auction. As a neighborhood we will take it as it comes.”

As a positive note, I wanted to read to you a portion of an email; it comes from one of our newest neighbors and Board members.

Regular Meeting of the Sandy Springs City Council

Tuesday, July 15, 2008

Page 16 of 16

“We’ve looked into trying to figure out a way to influence the use of property in a positive way for the neighborhood, and while there are some possible options, none seem to be workable within the very tight timeframe prior to action date. Sometimes you just can’t do what you want to do. I think that the fact that we were even trying as a neighborhood and as a Board is a big positive – regardless of the fact that it seems like we will not be able to influence the outcome.”

“I agree with this Board member as did many of my peers. Members of Council could not have been more considerate; we thank you for all of your efforts.

As a leader, I am disappointed that I could not bring a more equitable solution for both the city and the neighborhood new insight. It has opened up dialogue among Board members and has given us the opportunity to make positive changes in the way we function. These are all good things as they will benefit our neighborhood.”

(Item moved on agenda by motion and vote)

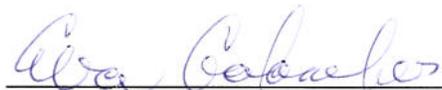
Executive Session-Personnel & Real Estate

City Attorney Willard stated that he has the option agreement from Target, and The Lost Corner Contract for the Mayor’s signature. This is for the money provided under a grant from the State of \$250,000 which will help toward the purchase. He hopes the City will close on this within the next 7 to 10 days.

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 7:50 p.m.

Date Approved: September 2, 2008



Eva Galambos, Mayor

Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

July 15, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 15th day of July, 2008 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

Eva Galambos
Eva Galambos, Mayor

Sworn to and subscribed before me,

this 15 day of July, 2008.

Christina Rowland
Notary public

