

---

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held November 20, 2007 at 6:00 p.m. Mayor Eva Galambos presiding.

**Invocation**

Rev. Kelly Barge, Sr. Minister, Sandy Springs United Methodist Church offered the invocation.

**Call to Order**

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

**City Clerk Rowland** reminded everyone to silence their cell phone and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting, are required to complete a public comment card. They are located at the back counter.

**Roll Call and General Announcements**

Mayor Galambos requested that the City Clerk call roll.

**City Clerk Rowland** called the roll.

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

**Pledge of Allegiance**

Boy Scout Troop #266 led the Pledge of Allegiance.

**Approval of Meeting Agenda**

**Motion and Vote:** Councilmember Paul moved to add a Resolution to impose a temporary moratorium of Ninety Days on the Development of Land Identified as a Cemetery or Burial Ground within the Territorial Boundaries of the City of Sandy Springs. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

**Motion and Vote:** Councilmember MacGinnitie moved to remove item number 07-298, Amendment to Chapter 11, Article 12 replacing in its entirety the special events ordinance from the Consent Agenda for discussion. Councilmember Meinzen McEnery seconded the motion. The vote carried unanimously.

**Motion and Vote:** Councilmember Meinzen McEnery moved to remove item number 07-299, approval of a Resolution adopting the Sandy Springs Comprehensive Plan Community Agenda for the purposes of obtaining Qualified Local Government status from the state from the Consent Agenda for discussion. Councilmember Fries seconded the motion. The motion carried unanimously.

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

**Consent Agenda**

1. Approval of Minutes:
  - a. Approval of the November 6, 2007 Regular Meeting Minutes.
2. Approval of a Resolution re-appointing members to the Design Review Board.  
**Resolution No. 2007-11-64**
3. Approval of a Resolution re-appointing members to the Board of Ethics.  
**Resolution No. 2007-11-65**
4. Approval of a Resolution adopting the 2008 Planning and Zoning Schedules.  
**Resolution No. 2007-11-66**
5. Approval of the tri-party agreement with Target and Prado regarding building locations.

6. Approval of the Project Framework Agreement, CSNHS-0008-00(415) FC 0008415 to construct a half diamond interchange at Hammond Drive and State Route 400 and authorize the Mayor to sign. (City Project No. (T-0028)).  
**Resolution No. 2007-11-71**
7. Approval of the Project Framework Agreement, STP000-6-00(727) for the State Route 9 Advanced Traffic Management System along Roswell Road from Abernathy to the Forsyth County line. (City Project No. (T-0013)).  
**Resolution No. 2007-11-72**
8. Approval of an amendment to Chapter 14, Article 7, Soil Erosion and Sedimentation Control  
**Ordinance No. 2007-11-62**
9. **AM07-011** - Peachtree-Dunwoody Road (PIN 17 0019 LL059), *Applicant: Atlanta Bohemian Hotel*, To modify condition 2.a. of RZ06-024/CV06-013/U06-003 to amend the approved site plan for the Grand Bohemian Hotel to change the orientation of the hotel.
10. Approval of amendment to Chapter 11, Article 12 replacing in its entirety the special events ordinance. *(removed from consent agenda by motion and vote)*
11. Approval of a Resolution adopting the Sandy Springs Comprehensive Plan Community Agenda for the purposes of obtaining Qualified Local Government status from the state. *(removed from consent agenda by motion and vote)*
12. Approval of a Resolution adopting the Sandy Springs Recreation and Parks Master Plan.  
**Resolution No. 2007-11-68**
13. Approval of an amendment to the City of Sandy Springs Apartment Inspection Ordinance.  
**Ordinance No. 2007-11-64**

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

### **Presentations**

#### **Citizens Emergency Response Team Presentation-Sandy Springs Rotary Foundation**

The Rotary Club and State Farm Group presented a check to the Fire Department the Citizens Emergency Response Team.

#### **Crown Community Award**

**City Manager McDonough** stated that each year the National League of Cities in partnership with the American City and County recognizes communities across the country for providing services to residents. It requires leadership and creativity from local government officials especially when budgets may be stretched. American City and County's Community Award recognizes those extra efforts from local governments that have lasting effects on residents, businesses and the environment. This year American City and County selected Boston, Mass., Buffalo, N.Y., Compton, Calif., Ogden, Utah, Renton, Wash., San Diego, Calif., Sandy Springs, Ga., and Scottsdale, Ariz. as their Crown Community presented the Fire Department with the Crown Community Award winners. The City of Sandy Springs won this award for the initiative to start the Fire Department around an EMS Program.

**City Manager McDonough** presented the American City and County Award to Fire Chief McElfish and his department

**Fire Chief McElfish** introduced new employees that have joined the Fire Department. Nemanja "Nem" Pavlovic, Brett Fuller, Trenard Foster, and Brian Cox

(This item was added by motion and vote)

**A Resolution to Impose a Temporary Moratorium of Ninety (90) days on the Development of Land Identified as a Cemetery or Burial Ground within the Territorial Boundaries of the City of Sandy Springs, Georgia, for the Purpose of Completing an Ordinance Providing for the Protection and Preservation of Such Cemetery and Burial Ground and Providing Rules Relating to Permits for the Development, Destruction, Disturbance, Excavation or Other Applications of Land Identified as a Cemetery or Burial Ground within the Territorial Limits of the City of Sandy Springs, as Provided by Georgia Law.**

**Resolution No. 2007-11-70**

Councilmember Paul stated that a situation has risen in Sandy Springs that Council feels a Resolution for a moratorium is required. He is introducing the moratorium to give city staff and the City Attorney time to study how the city should proceed in dealing with properties involving cemeteries or burial grounds. This will give staff a chance to make recommendations to Council for possible ordinances that may be needed to protect these areas in the city limits. Council has a copy of this resolution and he would like to make a change to Section 2, striking the words "at its next regularly scheduled meeting", in order to give staff and the City Attorney time to draft an ordinance.

**City Attorney Willard** stated that there are already laws existing to protect burial grounds but local municipalities can enact their own laws. State policy recognizes it is important to protect these properties for human dignity as well as for the cultural, spiritual and religious values. Within this chapter there is a provision that gives the local government's state authorization and the right to declare areas that cemeteries are to be protected areas and there can only be use of these protected areas by use of a permit.

**Motion and Vote:** Councilmember Paul moved to approve a Resolution to Impose a Temporary Moratorium of Ninety (90) days on the Development of Land Identified as a Cemetery or Burial Ground within the Territorial Boundaries of the City of Sandy Springs, Georgia, for the Purpose of Completing an Ordinance Providing for the Protection and Preservation of Such Cemetery and Burial Ground and Providing Rules Relating to Permits for the Development, Destruction, Disturbance, Excavation or Other Applications of Land Identified as a Cemetery or Burial Ground within the Territorial Limits of the City of Sandy Springs, as Provided by Georgia Law. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**Public Hearings**

**City Clerk Rowland** read the Zoning Rules at this time.

**To receive input relating to Phase I improvements at Morgan Falls.**

Mayor Galambos called for public comment.

**Alison Harris, 215 Brandon Place**, stated that Ridgeview Park proposal has been abandoned and Morgan Falls is now considered the only viable option for a dog park in the near future. There must be more space for the large dog enclosure. Anything less than 1.5 acres is too small and there are no trees to provide shade for the dogs. She asked Council to choose Plan B. She feels that it is a better plan because it is more environmentally sound, it is the plan preferred by Sandy Springs Conservancy with the Georgia Tech Rowing Team. The parking is near the main road and will save the taxpayers money. She stated that if the dog park must be at Morgan Falls, she asked that the trees be planted as soon as possible. The Sandy Springs Bridge Club would like to pledge funds toward this effort.

**Tim Fist, 45 Michelle Circle**, stated that he is an Architect and a member of the Sandy Springs Conservancy. The Conservancy is asking Council to select Plan B for the park. It functions the best and adds value, and provides the best appearance in terms of options at hand. In terms of the function of the park, Plan A is actually a cul-de-sac version where one would filter through the driveway; the dog park would be on either side so you would enter in between them. Plan B, has a separate parking area and river access through the mulched trail. Plan B has a separate entrance and exits to the parking area and will let traffic flow better and not be congested like Plan A. Plan B consolidates parking and is better set for pedestrians and vehicles. There is a safety issue in Plan A, with the cars

backing out with pedestrians around. Plan B, better allows for the future, integration of trails heads and natural access for the park features. It would be simpler to make those connections in the future. Regarding access from the parking to the boat dock, both versions have similar distance from parking to the mulched trail. In Plan A, there would have to be a switchback to get back from the grade from the cul-de-sac area down to the dock. In terms of the value, less land is impacted by pavement. The pavement is kept to one place and not spread across the park. Plan B, also utilizes the prime land for park use and not parking use and Plan B cost less. Plan B, is a more pleasant natural setting to gain access and allows a more scenic edge to the river. Georgia Power is also in favor of Plan B, because it gives them better control and a better condition for the existing house that sits there.

**Richard Miller, 2085 River North Parkway**, questioned what the budget is for the boat house and the dock. He has had encounters with the authorities that authorize docks to be built on the river, he is curious as to what evidence the City has that would suggest being able to build a dock on the river. He has heard several comments that a good deal of the park facility is going to be dedicated to the Georgia Tech Rowing Club. Mr. Miller questioned why, since Georgia Tech is not a resident of Sandy Springs. He would like to know who from Georgia Tech Rowing Club participated in this design. He questioned why the manager and head coach of the Georgia Tech Rowing Club do not know anything about this facility. He is excited about the dog park and would like to know when it will be completed.

Mayor Galambos questioned if the dock would be paid for by the city.

**City Manager McDonough** explained that the dock is part of the plan but was not included in the estimate. This has been a long term project and staff is working with the Conservancy through the final permitting. Staff believes the permits should be received sometime in the next couple of months. At the first of the year, the City should be in a position to work with them, based on the plan Council adopts to build the dock. The Georgia Tech Rowing Club is working on the boat house and the final details have not been worked out. The approved plan design is only part of a master plan for Morgan Falls Park and serves as a basis for the City to move forward. Final details of the master plan are yet to be worked out.

**Ben Whitley, 305 Landfall Road**, stated that he is an advocate for dog parks. Last spring, his son received 475 signatures for his petition advocating a dog park. Mr. Whitley has concerns about the current proposal. One of his concerns is related to the size of the park. He thinks Morgan Falls would be a great place for a dog park if it were larger. He stated that the land needs to be sandy with sun on the soil, so it can bleach out the waste. He would prefer a park that has trees and scrubs for the dog's enjoyment. He would like Sandy Springs to have something similar to Piedmont Park. Piedmont Park raised \$50,000 to get their park started. The City's budget for the proposed park is much higher and this is a concern.

Mayor Galambos stated that the amount of land that can be used for the dog park in the River Corridor is strictly limited.

Councilmember Fries stated that she received an email from Mr. Fish, dated November 19, which states that the Georgia Tech Kayak and Canoe have indicated that they do not have a strong preference of either plan. She questioned if he received the information from them as well.

Mr. Fish stated that David Goodman, President of the Kayak Club is an office associate. He spoke with Mr. Goodman on Monday morning and showed him both plans. He asked Mr. Goodman if they had a preference and Mr. Goodman stated they did not.

Councilmember Fries stated that Plan B requires a little more grading than Plan A. Georgia Tech came to Council early on with the Conservancy and approached the City about a dock, the Conservancy has a permit that expires in 2008 and Georgia Tech was being removed. Georgia Tech is now using the dock at Huntcliff. Mr. Fries may want to question Mr. Goodman. All the options the City had for a dog park were all less than one acre. This is Phase I and there is more to this than just a dog park.

Mayor Galambos closed the public hearing.

### **Solid Waste Management Plan**

**Consideration of Approval of a Resolution to approve the transmittal of the Sandy Springs Solid Waste Management Plan to the Atlanta Regional Commission.  
Resolution No. 2007-11-69**

**Deputy Director of Community Development McNeill** stated this item was heard at last weeks Work Session. Council asked for a couple of revisions and clarification in the document, those have been made. The final thing that remains is that the City hold a public hearing.

Mayor Galambos called for public comment. There was no public comment.

**Motion and Vote:** Councilmember Paul moved to approve a Resolution for the transmittal of the Sandy Springs Solid Waste Management Plan to the Atlanta Regional Commission. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

### **Rezoning**

**RZ07-020/CV07-019/U07-007 - 915 Crestline Parkway, Applicant: Wingate Perimeter, LLC, To rezone the subject property from A-L conditional to O-I for the development of a 100-room hotel, with concurrent variances and a use permit to exceed the district height.**

**Planner Ruffin** stated that this is a rezoning item located at 915 Crestline Parkway. The applicant is requesting to rezone the property from A-L conditional to O-I for the development of a 100-room hotel. The applicant is also requesting seven concurrent variances. Staff is recommending approval conditional of the rezoning request and approval of concurrent variances 3, 4 and 5 and approval of the use permit for the height. The application was heard at the August 16 and September 20, 2007 Planning Commission Meeting where the applicant requested deferral from the Planning Commission. The petition was then heard at the October 18, 2007 Planning Commission meeting where the Commission recommended approval subject to staff conditions. Staff received a letter last week from the applicant requesting deferral of the application.

**Pete Hendricks, 6085 Lake Forrest Drive** stated the property is a small confined tract of land and is presently zoned for a condominium development at the same height applicant requested and a good number of the variances approved in Fulton County that are being requested. The applicant has a new construction mode for the parking structure which requires a need for additional rooms and this results in having to go back through the process to the Planning Commission. Since sending in the deferral letter, the applicant has had discussion with Ms. Leathers and with the two impacted communities, Dunwoody Row and Dunwoody Springs. The best way to deal with this would be to withdraw the application and do away with most of the variance requests, go through the Design Review Board, Planning Commission and then come back before Council with an application that the applicant is comfortable with. Dunwoody Row and Dunwoody Springs has communicated with City staff that they have no opposition.

Councilmember Meinzen McEnery questioned if this was an undo burden on staff to defer this item again.

**Director of Community Development Leathers** explained that staff has spent a lot of time on this application and she feels it is appropriate to start again in order to begin the process fresh and go through and have the Planning Commission hear it.

Mayor Galambos called for public comment. There was no public comment.

**Motion and Vote:** Councilmember Paul moved to approve applicant's request to withdraw RZ07-020/CV07-019/U07/U07-007. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ07-029 - 1001 & 1020 Mt. Vernon Highway and 5305 Woodridge Forest Trail, Applicant: City of Sandy Springs for Christopher & Teresa Boudreau, Cecil Welch, and Lloyd Greenwald, To rezone the subject property from R-1, R-2 conditional, and R-2A conditional to R-2A to combine portions of 1001 & 1020 Mt. Vernon Highway with 5305 Woodridge Forest Trail.  
Ordinance No. 2007-11-69**

**Planner Ruffin** stated that this is a zoning request initiated by the City to allow portions of the lot on Mt. Vernon Highway to be combined with the lot on Woodridge Forest Trail. The property owners at Woodridge Forest purchased by deed some property from lots on Mt. Vernon; therefore this is an effort to ensure compliance with their zoning.

Mayor Galambos called for public comment. There was no public comment.

Councilmember Meinzen McEnery stated that she received a letter from an adjacent property owner who had concerns about the down-grading of water flow and requested if an engineer review could be done. She asked staff to explain the procedures the City employ during the land disturbance permit that would address Ms. Marlow's concern.

**Planner Ruffin** stated that at the time of land disturbance application, the engineering staff would review the property for any drainage issues that may affect neighboring properties.

**Motion:** Councilmember Meinzen McEnery moved to approve RZ07-029, 1001 & 1020 Mt. Vernon Highway and 5305 Woodridge Forest Trail, Applicant: City of Sandy Springs for Christopher & Teresa Boudreau, Cecil Welch, and Lloyd Greenwald, To rezone the subject property from R-1, R-2 conditional, and R-2A conditional to R-2A to combine portions of 1001 & 1020 Mt. Vernon Highway with 5305 Woodridge Forest Trail with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To development of 1001 Mount Vernon Highway with one (1) single family residence under the R-2 (Single Family Dwelling District) regulations in effect at this time.
  - b. To development of 1020 Mount Vernon Highway with one (1) single family residence under the R-2 (Single Family Dwelling District) regulations in effect at this time.
  - c. To development of 5305 Woodridge Forest Trail with one (1) single family residence under the R-2A (Single Family Dwelling District) regulations in effect at this time.
2. To the owner's agreement to abide by the following:
  - a. To a revised site plan to be submitted to the Department of Community Development. 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 owner(s), prior to application for any development permits, shall submit a combination plat to the Department of Community Development to incorporate the deeded portions of 1001 Mount Vernon Highway and 1020 Mount Vernon Highway with 5305 Woodridge Forest Trail, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County.

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

### Zoning Modifications

**ZM07-009/CV07-027 - 510 Mt. Vernon Highway, Applicant: Mount Vernon Presbyterian School, To modify condition 2.a. of U03-0009/CV03-0077 to amend the approved site plan for the Mount Vernon Presbyterian School currently under development, with concurrent variances. Ordinance No. 2007-11-70**

**Planner Ruffin** stated that the zoning modification application is for the Mt. Vernon Presbyterian School property. The applicant is requesting to modify condition 2a. to substitute the site plan submitted for this request with the plan originally approved. They are also asking for one concurrent variance to allow the proposed tennis courts to encroach 65 feet into the required 100 foot active outdoor recreation area setback adjacent to residentially zoned property along the north property line. The Design Review Board heard this application at the October 9, 2007 meeting and recommended approval subject to the support of the neighbor to the north. The applicant received a letter of support from the neighbor which has been included in Council's packet.

**Pete Hendricks, 6085 Lake Forrest Drive,** stated that the applicant is asking for two things, a zoning modification where the applicant needs to move two buildings in a different location along the western property line. The applicant would like to be able to have a small building on the property that is contiguous and ties in with the temporary structures. The applicant is also requesting a concurrent variance along the north east corner of the property in order to have tennis courts that will go up to a distance of 35 feet from the property line. Otherwise, they would be required to have a 100 foot natural undisturbed buffer. At the time the applicant did the original zoning, there was an agreement with the residential community. The applicant made one modification that needed to be done in order to receive full support. The applicant met with adjacent property owner, Tom Glenn and reviewed the modified site plan. Mr. Glenn is in agreement with both the proposed site plan modifications and the concurrent zoning request.

Mr. Hendricks stated that the applicant is requesting a use permit for the continued use of off site classrooms on the existing church site. The applicant has had use permits for temporary structures on this property which expire at the end of three years. The applicant requests relief from the Sandy Springs Overlay and streetscape requirements. The applicant requests that he not have to comply until a permanent structure is in place. Once the permanent improvements are made it would trigger the requirement that the applicant put in the streetscape at that time. Three of the concurrent variances are directed towards the ability to continue with what exist with the conditions on the property with the driveways and parking lot paved areas. The last concurrent variance requests the ability to have these activities in the immediate proximity of applicants own property which is contiguous to the west and to the north. The applicant is in agreement with staff conditions and requests approval from City Council.

**Mike Collins, Collins Cooper Carusi, 94 River Park Drive, Architect,** stated that before Council is the original plan that was approved in 2003. The applicant is not asking for an increase in density or a change in parking. This is simply a reallocation of square footage on the site. The applicant is not asking for a setback variance from the prescribed zoning setback which is 100 feet, the applicant is requesting to build up to that.

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

**Motion:** Councilmember Jenkins moved to approve ZM07-009/CV07-027 - 510 Mt. Vernon Highway, Applicant: Mount Vernon Presbyterian School, To modify condition 2.a. of U03-0009/CV03-0077 to amend the approved site plan for the Mount Vernon Presbyterian School currently under development, with concurrent variances with the following staff conditions.

1. To the owner's agreement to:
  - a. Restrict the use of the subject property to a private school at a maximum density of 7,450.34 gross

square feet per acre zoned or a total gross floor area of 225, 000 square feet, whichever is less.

- b. Restrict the number of students in the private school to 250 in the Middle School and 600 in the Upper School.
2. To the owner's agreement to abide by the following:
    - a. To the site plan received by the Department of Community Development on September 28, 2007. 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 the first Certificate of Occupancy.
  3. To the owner's agreement to the following site development considerations:
    - a. No more than two (2) exit/entrances on Glenridge Drive or as may be approved by the Sandy Springs Traffic Engineer. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
    - b. No more than 1 exit/entrance on Mount Vernon Highway or as may be approved by the Sandy Springs Traffic Engineer. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
    - c. To allow parking within the minimum front yard along Glenridge Drive. (2003VC-0077 NFC)
    - d. To prohibit outdoor lighting of the recreation fields, which would allow the use of such fields beyond sunset.
    - e. To direct all loudspeakers away from the property line closest to such speaker and toward the interior of the property. Any outdoor sound system shall be designed to minimize the impact on the surrounding property owners with speakers configured so as to direct the sound to the intended audience on the subject site.
    - f. To install a 6-foot high black vinyl coated chain link fence along the west property line between the subject site and the Mount Vernon Woods Subdivision. Said fence shall contain no gates. All fences shall require a separate Building Permit and, unless otherwise noted herein, compliance with all conditions associated with the construction of said fence shall be in place prior to the issuance of the first Certificate of Occupancy.
    - g. No lighting shall be installed within 50 feet of the west property line.
    - h. Any lighting installed within 125 feet of the west property line and/or along the main entry road off Mount Vernon Highway shall be no taller than 20 feet. Light fixtures shall be baffled or diffused in a manner which minimizes the impact on the neighboring residential property.
    - i. Trash collection shall be limited to between the hours of 9:00 AM and 4:00 PM. All trash receptacles shall be screened from view from the adjoining residentially zoned property to the west and north.
    - j. Delivery hours shall be limited to the hours of 7:30 AM to 7:30 PM.
    - k. Grounds maintenance shall be limited to the hours of 9:00 AM to 5:00 PM Monday through Friday and 9:00 AM to 4:00 PM on Saturday. Ground maintenance shall be permitted on Sunday only on the following exceptional basis:

- i. The inability to conduct any grounds maintenance work during four (4) of the preceding six (6) days due to inclement weather;
    - ii. Emergency situations;
    - iii. The cleaning or repairing of storm damage.
  - l. To allow the proposed tennis courts to encroach sixty-five (65) into the required 100 foot active outdoor recreation area setback adjacent to residentially zoned property along the north property line as shown on the site plan received by the Department of Community Development dated September 28, 2007 (CV07-027).
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.

55 feet from centerline of Glenridge Drive;

45 feet from centerline of Mount Vernon Highway.
  - 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 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;

30 feet from centerline of Mount Vernon Highway.
  - c. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
  - d. Provide a left turn lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
  - e. Improve the intersection of Mount Vernon Highway and Glenridge Drive as may be approved by the Sandy Springs Traffic Engineer.
  - f. Provide signal upgrades at the intersection of Mount Vernon Highway and Glenridge Drive as required by the Sandy Springs Traffic Engineer.
  - g. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Sandy Springs Traffic Engineer at the concept review phase.

- h. Provide a traffic impact study for the development to the Sandy Springs Traffic Engineer at the concept review phase.

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 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. Prior to the application for a Land Disturbance Permit (LDP) with the Department of Community Development, the developer/engineer shall contact the Department of Community Development and arrange to meet with the Sandy Springs Drainage Engineer on-site.
- d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.
- e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
- f. The developer/engineer is responsible to demonstrate to the City by engineering analysis/computation at the Land Disturbance Permit application that the post-development storm water runoff discharge rate and velocity leaving the site are controlled to 75 percent of the pre-development storm water runoff conditions for the 1-year storm up to and including the 10-year storm event frequencies.
- g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Community Development, a project Storm Water Concept Plan. This concept plan shall include a preliminary drawing describing the proposed location of the project surface water quality and quantity facilities/Best Management Practices (BMP's), the existing downstream off-site drainage conveyance system that the proposed development runoff will impact, and the discharge path(s) from the facilities'/BMP's outlet(s) through the offsite drainage system to the appropriate receiving waters. As part of the concept plan, a preliminary capacity analysis shall be performed on the identified offsite drainage system to identify the capacity of all points of constraint (pipes, culverts, etc.), the point in the stream channel where 25 year storm peak flow is the greatest percentage of the channel capacity, and the impact of post developed flows on these points. The critical capacity points shall be selected based upon the engineers' professional judgment and limited field survey data.
- h. The developer/engineer is responsible to conceptually describe to the City at the Storm Water Concept Plan approval phase post development structural Best Management Practices (BMP's) to be utilized to reduce surface water pollution impact associated with the proposed development. The detailed engineering analysis and specifications of BMP's shall be included as a part of the LDP storm water submittal.
- i. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from any storm water management facility shall mimic pre-development sheet flow conditions and shall as a minimum utilize a level spreader as described in "Fulton County Storm Water Management Storm Drainage Design and Criteria Manual, December 2000".

- j. At the Concept review stage provide information on the Structural Best Management Practices (BMP's) that will be used to remove pollutants, such as organic matter, oil and grease from parking lot surface water runoff leaving the site. An assessment of the use of adsorptive filter catch basin inserts shall be provided, and selected BMP's shall be described and located on the storm water concept plan.

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

### Use Permits

(This item was moved on the agenda and discussed in conjunction with ZM07-009/CV07-027)

**U07-012/CV07-025 - 590 Mt. Vernon Highway NE, Applicant: Mt. Vernon Presbyterian School, A use permit to allow for 3 temporary classrooms on the site to be used by Mt. Vernon Presbyterian School.  
Ordinance No. 2007-11-73**

**Motion:** Councilmember Jenkins moved to approve U07-012/CV07-025 - 590 Mt. Vernon Highway NE, Applicant: Mt. Vernon Presbyterian School, a use permit to allow for 3 temporary classrooms on the site to be used by Mt. Vernon Presbyterian School with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To off-site classrooms in the existing 14,400 square foot educational building. At the time that said building is renovated for continued educational use, the Sandy Springs Overlay District streetscape standards shall be conformed to. Said streetscape plan shall be subject to the approval of the Design Review Board; or,  
  
To one (1) off-site modular classroom building and one (1) off-site modular administration building as shown on the location plan received by the Department of Community Development dated October 17, 2007, which shall be removed five years from the date of Mayor and City Council approval. The location and type of said modular buildings shall be subject to the approval of the Design Review Board.
  - b. To a maximum of 150 students.
  - c. The hours of operation shall be limited to 7:30 a.m. to 5:00 p.m.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated August 31, 2007. 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. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (CV07-025).
  - b. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (CV07-025).

- c. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property until such time the existing educational building is renovated for continued classroom use (CV07-025).
- d. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (CV07-025).
- e. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north and west (CV07-025).

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

**U07-009 - 1100 Abernathy Road - Applicant: Fibertower Network Services Group, A use permit to exceed the district height to increase the current maximum of 200 feet to 208 feet to allow for the installation of additional cellular antennas.**

**Ordinance No. 2007-11-71**

**Planner Ruffin** stated that this is a use permit request to exceed the maximum district height at 1100 Abernathy Road, which is one of the North Park office buildings. The applicant is proposing to add cellular antennas to an antenna structure that already exists on the roof of the building. The Planning Commission heard this application at the October 18, 2007 hearing and recommended approval subject to staff conditions.

**Paul Rozeman, 5259 Lake Springs Drive, Dunwoody,** stated that he is representing the Fibertower Network Services Group. The applicant would like to put an eight (8) foot pedestal that will be located in the center of the roof, attached to pedestal will be five (5) antennas, a five (5) inch diameter pole with antennas flush mounted to it centered in the middle of roof with electronics placed in the penthouse which already exist. There will be no traffic and no employees. The electricity will be metered in the penthouse.

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

**Motion:** Councilmember Jenkins moved to approve U07-009 - 1100 Abernathy Road - Applicant: Fibertower Network Services Group, A use permit to exceed the district height to increase the current maximum of 200 feet to 208 feet to allow for the installation of additional cellular antennas with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To a maximum height of 208 feet for cellular antennas located on the rooftop of the existing office building (U07-009).
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated August 6, 2007. 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.

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

**U07-011 - 550 Mt. Paran Road, Applicant: Sprint/Nextel, A use permit to install additional cellular antennas at existing church site.**

**Ordinance No. 2007-11-72**

**Planner Ruffin** stated that this is a use permit request for a similar situation as the previous case. The applicant is requesting to exceed the maximum height of forty (40) feet by installing additional antennas at a maximum height of sixty-five (65) feet on the church building at the property. The Planning Commission heard this at the October 18, 2007 hearing and recommended approval subject to staff conditions.

**Tracey Devereaux, WFI, 6025 Unity Drive, Norcross**, stated that the site exists on the church. Currently, there are three (3) antennas, they are applying to add three (3) additional antennas.

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

**Motion:** Councilmember Meinzen McEnery moved to approve U07-011 - 550 Mt. Paran Road, Applicant: Sprint/Nextel, A use permit to install additional cellular antennas at existing church site with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To a maximum height of sixty-five (65) feet for cellular antennas located on the rooftop of the existing church building (U07-011).
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated August 7, 2007. 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.

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

#### **Text Amendment**

#### **RZ07-024 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.3.3.8, Decisions, of the City of Sandy Springs Zoning Ordinance. Ordinance No. 2007-11-65**

**Director of Community Developer Leathers** stated that this is an amendment to the Zoning procedures in Article 28. Staff recommends a major change to provide that the Planning Commission's recommendation for deferral go to Council rather than the Planning Commission deferring the item. The Planning Commission has an alternate recommendation permitting them to defer cases.

Mayor Galambos called for public comment. There were no public comments.  
Councilmember Fries asked for clarification on the amendment.

**Community Development Director Leathers** stated that the Planning Commission will make a recommendation to Council of deferral with an indication of why they are asking for it to be deferred, what additional information the Commission needs, and may include a recommendation that Council remand it back to the Planning Commission for their consideration after the information is provided. Council will have the final decision.

Councilmember Meinzen McEnery stated that the reason it is not coming to Council with the Planning Commission's support is because they feel the changes in their bylaws will reduce their ability to require additional work and deferral from a developer.

Councilmember Fries stated that a lot of the problem is that the Planning Commission has had many deferrals and it takes several months for it to come before Council. In order to expedite the process, it should come to Council and

Council can send it back to the Planning Commission with a legitimate reason, or approve, withdraw or deny. This would decrease the time staff has to spend on application.

Councilmember Meinzen McEnery stated that the change in the Planning Commission's bylaws provide that the chairman does not vote unless there is a tie and the issue of causing undue delay to the developer.

**City Attorney Willard** explained that the state law states that the Planning Commission shall make a recommendation to City Council. Prior to the Planning Commission hearing, it requires posting of advertisement, listing dates of hearing. The City is required to advertise for two hearings, one date for Planning Commission and the second date for Council's consideration of application. The application must be held as advertised. Mr. Willard highly recommended that the City maintain the appropriate schedule to prevent being challenged. It is not to take away from the Planning Commission but to be sure the City legally continues the process required by state law. The application must come before City Council and have the hearing as advertised at the appropriate time and then a recommendation by the Planning Commission for a deferral, Council will then pursue an application and refer it back to the Planning Commission for completion.

**Motion and Vote:** Councilmember Fries moved to approve RZ07-024 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.3.3.8, Decisions, of the City of Sandy Springs Zoning Ordinance. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ07-032 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.10 & 28.11, Expiration of Zoning, of the City of Sandy Springs Zoning Ordinance.**

**Director of Community Development Leathers** stated that this amendment would delete the expiration of zoning provision of the Zoning Ordinance. There was a misunderstanding between her and the City Attorney on this matter. Ms. Leathers had understood Mr. Willard to say this was something the City could not enforce. Since that time staff has not been enforcing this provision of the ordinance. The City Attorney subsequently told her that this provision can be enforced. The Planning Commission and staff recommend that this text amendment be withdrawn.

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

**Motion and Vote:** Councilmember Paul moved to withdraw RZ07-032 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.10 & 28.11, Expiration of Zoning, of the City of Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ07-034 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.4.6, Noise Study Report, of the City of Sandy Springs Zoning Ordinance.  
Ordinance No. 2007-11-66**

**Director of Community Development Leathers** stated that this amendment would delete the section requiring a noise study report. Council may recall a potential application similar to this was found to be the basis for a noise study and how this would impact an application. Staff does not believe this is directly applicable to the City of Sandy Springs because there are no airports. The Planning Commission and staff recommend approval of this amendment to the Zoning Ordinance.

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

**Motion and Vote:** Councilmember Fries moved to approve RZ07-034 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.4.6, Noise Study Report, of the City of Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ07-035 - An Ordinance to Amend Article 33, Signs, of the City of Sandy Springs Zoning Ordinance.  
Ordinance No. 2007-11-67**

**Director of Community Development Leathers** stated that this is an amendment to the Sign Ordinance to permit shopping centers to do major renovations and facelifts, to be able to replace the existing signs on their buildings. At Council's request staff has prepared a revision to that recommendation to allow a slightly larger sign be replaced but, to set a limit on signs. The sign display that is permitted under the ordinance is five percent (5%) of the applicable wall area. This would allow up to seven percent (7%) on a replacing sign. Staff has examined the Sandy Springs Plaza Shopping Center and two of the three signs were a problem and would be permitted to be replaced under this amendment. The third sign would have to go before the Board of Zoning Appeals. The Planning Commission and staff recommend approval of this amendment to the Zoning Ordinance.

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

**Motion and Vote:** Councilmember DeJulio moved to approve RZ07-035 - An Ordinance to Amend Article 33, Signs, of the City of Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ07-037 - An Ordinance to Amend Article 12B(1), Perimeter Community Improvement Design District, of the City of Sandy Springs Zoning Ordinance  
Ordinance No. 2007-11-68**

**Director of Community Development Leathers** stated that staffs recommendation is to reduce the planting area between the sidewalk and the curb from five (5) feet to three (3) feet in order to make it consistent with all of the other standards in the City of Sandy Springs. The Planning Commission and staff recommend approval of this amendment to the Zoning Ordinance.

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

Councilmember Fries stated that she does not like the lights so close to the street and questioned when this would be addressed.

**Director of Community Development Leathers** stated that staff is going to work with the Design Review Board after the first of the year. After Council takes action on the Comprehensive Land Plan tonight, it is staff's intention to go back and rewrite the Sandy Springs Overlay District. At that time staff will deal with the design details.

**Motion and Vote:** Councilmember DeJulio moved to approve RZ07-037 - An Ordinance to Amend Article 12B(1), Perimeter Community Improvement Design District, of the City of Sandy Springs Zoning Ordinance. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

**River Corridor Review**

**RC 07-02SS – The Enclave at Jett Ferry – John Wieland Homes & Neighborhoods**

**Motion and Vote:** Councilmember Jenkins moved to defer RC 07-02SS – The Enclave at Jett Ferry – John Wieland Homes & Neighborhoods to the December 4, 2007 regular meeting. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Councilmember Paul left the meeting at 7:24 p.m.

**Unfinished Business**

**Consideration of approval of a plan for Phase I improvements at Morgan Falls Park.**

Councilmember DeJulio questioned the size of the dog run area in the plans. City Manager McDonough stated that the larger park is about .9 acres. Councilmember Fries stated that both plans have the same size, the acreage is the same for each park.

Councilmember Jenkins stated that John Willis did not want to spend more money redrawing Plan A.

Councilmember Meinzen McEnery stated that the large dogs get just under an acre and the smaller dogs get one and a half (1.5) of an acre. During the public hearing the Pooch Park representative stated that the large dogs need one and a half (1.5) acres.

**City Manager McDonough** stated that if there is an opportunity to expand and make it a little larger in the next engineering step, the City would consider it.

Councilmember Jenkins stated that she has received emails regarding the size of the park. She has been a member of several dog parks in the metro area, Washington, D.C. and several other places and not one of them had trees or were an acre in size. She does not see a problem with the size of the proposed park or with it not having any trees. She has sent website links to the Mayor and City Council on dog parks and none of them had trees in them. They were all open area parks. She has visited Cusca Willow out by Lake Oconee and they have a beautiful almost acre fenced area, not one tree on it. She thinks the City is doing a very good job dedicating land and money. The City has also received money from various resources including private arrangements to get this together quickly. Councilmember Jenkins supports **Plan A**, because she thinks it would be better to drive back toward the dock. She likes having the two dog parks separated. When the City starts Phase I of Morgan Falls Park she does not want to see a parking lot when she drives up. Plan A, driving in, one would see a beautiful park with an open grassy area. In Plan B, when you drive down the road all one will see is asphalt.

Councilmember DeJulio stated that he has spent several Sunday afternoons at the Brook Run dog park. His dog Cyrus is loves the park. Brook Run Park is two to three acres in size and is heavily treed. Councilmember DeJulio supports **Plan A**, because it looks like a park. He suggested expanding the area for the larger dogs.

Councilmember Meinzen McEnery stated that there are no trees there now and unless the City has the support from the tree bank and from contributions there will not be any. Councilmember Meinzen McEnery stated that she would like for the park to have trees. Councilmember Meinzen McEnery supports **Plan B**. She feels that it is a good way to kick off Morgan Falls Phase I. She would like for the City Council to consider the fact that the Sandy Springs Conservancy has supported Plan B. Sandy Springs Conservancy was there before Sandy Springs became a City and has raised over \$100,000 to do a great park at Morgan Falls. The Sandy Springs Conservancy is in support of Plan B. The Kayak Club does not care either way. These are the reasons she is in support of Plan B. There will be a lot of people coming in and out of the park and there needs to be a better entrance and exit than a cul-de-sac at the end. Trees will be planted, one every six space and it can be lit. Georgia Power is a great partner with the City and they want Plan B. Plan B consolidates the parking and better separates the pedestrians and vehicles. Plan A suggest that pedestrians and vehicles share the same path. Vehicles backing from parking spaces may have difficulty seeing dogs as well as children. Plan B allows better for future integration of the trail heads and natural access to the other park features. Less land is impacted by pavement and is in the River Corridor. Plan B has less pervious concrete and is a definite consideration. Financially, Plan B is modestly cheaper as well. The amount of money saved could go to other places in the City. Plan B utilizes the prime land for park use and not parking use.

Councilmember Fries thanked everyone who has been involved in this process and is excited about the dog park being at Morgan Falls, regardless of which plan is picked. She prefers **Plan A** because of the green landscape area as you drive in and would prefer not to see a parking lot as you come into the park. It is important to have a hard surface going down to the dock. People are going to enjoy having access from the City. The way Plan A is configured, the people will be able to park towards the front, where the dog park is. This will allow people to put their boats in at dock. The road is the key for her of these two plans. Both plans are very good. Plan A has the possibility of increasing the large dog site of the park. Plan B would call for more grading.

Councilmember MacGinnitie stated that he could not support either of the proposals. When he ran for Council he said that he would never spend \$200,000 on a dog park. Given his experience of construction projects, he believes the cost will go up to \$300,000. He does not believe this is the right first step. As a City, there are higher uses of this money than this project. He would choose not to pursue either of these plans.

**Motion and Vote:** Councilmember Fries moved to approve Plan A for Phase I improvements at Morgan Falls Park. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed 3-2, with Councilmember Meinzen McEnery and Councilmember MacGinnitie voting in opposition.

Mayor Galambos stated that this is a start on the park at Morgan Falls. The City would have to do something for Georgia Tech's access to the boat ramp, with the permit expiring in 2008. She thanked staff, John Willis, Ridgeview Neighborhood Association, Pooch Pal and the Animal Alliance for doing everything possible to help the City raise funds in order to keep the City's contribution down to the lowest possible amount.

### New Business

**Approval of amendment to Chapter 11, Article 12 replacing in its entirety the special events ordinance. Ordinance No. 2007-11-63** (This item was removed from Consent Agenda for discussion by motion and vote)

**Director of Operations Horn** stated that Council has recommended amendments to the ordinance.

Councilmember MacGinnitie stated that staff took the original draft of the definition of what a special event is, and what needs to be permitted and narrowed it so that it only covers events that take place on public and private property that impact public services like police, fire and traffic. A private event on public property that does not have an impact on public services or public streets other than normal parking does not need to be permitted.

**City Attorney Willard** stated that this gives clarity to the definition of special events. A memo was given to Council that shows where the language was changed.

**Motion and Vote:** Councilmember MacGinnitie moved to approve amendment to Chapter 11, Article 12 replacing in its entirety the special events ordinance and to amend the definition of Special Event to read: "Special Event" means any organized for profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the City under this Charter. Gatherings or activities that take place on private property and that make no use of City streets, other than for lawful parking, are not subject to the provisions of this Article, but shall comply with all other requirements specified by ordinance as to the use of residential property. No Special Event shall be allowed to exceed six (6) days in any (30) day consecutive period of time. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Approval of a Resolution adopting the Sandy Springs Comprehensive Plan Community Agenda for the purposes of obtaining Qualified Local Government status from the state. Resolution No. 2007-11-67**

**Deputy Director of Community Development McNeill** stated this item was discussed at the November 13, 2007, work session and the following updates will be included in the final version of the Comprehensive Plan Community Agenda for Council's approval. There were five (5) revisions to the land use map. There are two (2) updates on Transportation projects. ARC asked for two (2) map changes to make it clearer in order to read, one (1) update to the Land Use Map that is related to three (3) parcels on Glenridge Drive in the Tall Oaks area. They were improperly classified as protected neighborhood. If adopted by Council, all revisions to the Comprehensive Plan Community Agenda will be completed by November 30, 2007.

1. 120 and 130 West Wieuca Road, and 4550 Roswell Road parcels will be included in the Live-Work Neighborhood node shown on the proposed Land Use Node Map;

2. 55 Northwood Road (R1-2) will be designated as R12-20 to reflect the parcel as it is currently developed and revised on the Future Land Use Map;
3. Heritage Oaks development (R1-2) will be designated as R12-20) to reflect the parcel as it is currently developed and revised on the Future Land use Map;
4. Designate 284, 286, 288 and 290 Hedden Street as Protected Neighborhood status;
5. Designate 258 Meadowbrook Drive as Protected Neighborhood status (Owner of 259 Windsor Parkway could not be reached prior to November 2 regular meeting. This revision can be made in the future as needed
6. Updates to transportation project Tables 6.3 and 7.32 included in the Capital Improvement Element (CISE), Chapter 7 text, roadway network and 5-year transportation maps; and
7. Minor clarifications to Community Agenda text and maps as requested by the ARC and DCA.
8. Remove parcels shown as "Office" on the Future Land Use Map at 5416, 5424 and 5430 Glenridge Drive (Tall oaks area) from Protected Neighborhood status.

Councilmember Meinzen McEnery stated that the first five changes she had recommended and all are to reflect the on ground density except for 4550 Roswell Road. The property located at 120 and 130 West Wieuca Road is on the current plan as R1-2, residential classification. This particular parcel has approximately two (2) acres and 32,000 square feet of office. A change to Live/Work/Neighborhood is consistent with all of the parcels that are north of this particular parcel and adjacent to the existing Cherokee Park Neighborhood. These are the only three (3) parcels in that area that are not Live/Work/Neighborhood. She stated in the work session that the Civic Association does not support these changes. The owner of 55 Northwood indicated that he was incorrectly shown as residential, when in fact his is apartment. The change would reflect what is on the ground. The same for Heritage Oaks development, a townhouse condominium project is shown as R1-2, an error. Numbers 4 and 5, was brought forward from Councilmember DeJulio's district, from the Highpoint Civic Association in order to clarify the boundaries of existing single family homes into the protected neighborhood.

Mayor Galambos stated that Council discussed all of the changes at the work session and the one at the corner of Windsor Parkway is not listed.

Councilmember Meinzen McEnery stated that staff checked with the owner of the single family residents which is zoned office to be part of the protected neighborhood.

**Deputy Director of Community Development McNeill** stated that the owner was out of town and staff has not had an opportunity to speak with him. Staff can bring this back to Council at a future date if needed.

Mayor Galambos called for public comment.

**Mark Link, 4555 Mystic Drive, Vice President Cherokee Park Neighborhood Association**, stated that his concern is with lots 120 and 130 West Wieuca Road. He is directly affected by the change that the City is considering in this Comprehensive Land Use Plan. His neighborhood opposes any change in the designation of the zoning that is proposed by this plan. A two story office building is presently located on this property. There is no interference with the property owner as it stands now. This property is basically in their backyard and if the City changes the land use designation then it could be developed as multi-family, entertainment, restaurants or anything that could create noise throughout the night. The West Wieuca corridor is a busy corridor and already has enough traffic and pedestrian noise coming from the Chastain Concert Series in the summer. The neighborhood's biggest concern is what will be put on that piece of land. The neighborhood would like for it to stay the same. Cherokee Park Neighborhood Association request that this change not be made. The landowner basically constructed an office complex on residential property. He does not understand how that ever happened but, he is in violation currently of the existing zoning. He believes staff needs to look into this to see how it came about.

**Jennifer Steele, 4827 Kitty Hawk Drive, President, Cherokee Park Civic Association**, thanked City Council for removing this item from the Consent Agenda and allowing her neighborhood to come forward with their concerns. First, she would like to deal with the current owner's designation in seeking members of Council to provide relief for this homeowner. As a President of an Association, in considering what already exist in terms of

Live/Work/Neighborhood on the Roswell Road Corridor, she more than understands and respects why there is a request for designation change. However, in polling her Civic Association Board and discussion this issue with homeowners that are directly affected, the first question that came up was "how did this get built in the first place and why was it not rezoned?" She questioned if changing the designation to Live/Work/Neighborhood makes a beneficial segue considering how it abuts their neighborhood. She understands the Live/Work/Neighborhood on Roswell Road. The homeowners on Mystic Drive have the slope down towards Roswell Road so they do have a lot more depth than the three homeowners that live right up against West Wieuca and Mystic Drive. In terms of the boundary and topography they have squatter lots that lack the depth, an increase in noise and traffic. There is a natural creek boundary surrounded by trees that will lose their leaves. Even though the topography drops down, the lights of the complex are basically in the neighborhoods backyard. She questioned how this would affect the quality of life for her neighbors. She has recently learned that Sembler is under contract for the Chastain apartments and should that go through, their neighborhood will be challenged in many ways in coming to an agreement of what is going to go there. Cherokee Park Civic Association request that Council consider the softer segue on the southern tip of neighborhood.

**Steven Alexander, 120 & 130 West Wieuca**, stated that he is the owner of 120 and 130 West Wieuca and is zoned Commercial A-O. He does not know where the information from the Cherokee Park Civic Association came from but it is not according to the information that he has for Sandy Springs tax records or per the information when he purchased the property a year and a half ago. The buildings are 32,000 square feet, a little over two acres. There is a natural border of the creek that flows on the side of his property. The topography is such that he can not see the houses. His property abuts one property and a commercial parking lot of a commercial building which is across the creek; the house is also across the creek. There are numerous huge trees from his property to the creek bed, all the way going up the large embankment. It is not adversely affecting the neighborhood. When he purchased the property it was zoned A-O and to decrease the zoning would adversely affect his property value if his zoning does not remain as it is. He has provided Council with pictures and a map that shows the Live/Work/Neighborhood is abutting him on two sides and buffers the neighborhood in every sense that it can. It is a unique piece of property and the City of Sandy Springs did not even know it was a part of Sandy Springs until he informed them that it was.

**Henry Schwab, 37 N.W. 28<sup>th</sup> Street, Architect**, stated that he has an interest in the property located at 342 Johnson's Ferry Road that is being impacted by the road widening. His interest is in reflecting the zoning and density that is on the ground. The parcel that he is interested in is a CUP Plan and at a density approximately four (4) units to the acre. Ms. Leathers indicated that it would be on the Comprehensive Development Plan one (1) to two (2) units to the acre and perhaps it is not consistent with the actual use of the land that it is adjacent to.

**Director of Community Development Leathers** stated that this property is adjacent to the Johnson Ferry Road improvement next to the Abernathy improvement that was reconfigured around the Art Center. There is a reconfiguration of the road connection in the area of the property Mr. Schwab was talking about. The impact is not so much the widening of the road as it is the way DOT is making the connection from River Valley up to the main road. Staff is not recommending any change of this property, it is shown as the same density as the adjacent CUP.

**Roger Blichfeldt, 5855 Garber Drive**, questioned if most of the changes that have been made were clean up issues.

Mayor Galambos stated that is correct and only reflects what is on the ground.

Councilmember Fries stated that she understands why staff is looking at 120 and 130 West Wieuca as Live-Work Neighborhood. It is because all property on Mystic backs up to a Live/Work/Neighborhood. The neighbors have a 75 foot stream buffer and conditions for evergreens to be put in that will help block out light. The neighbors also have protection from possible future new development.

**Director of Community Development Leathers** stated that the reason there is an office building on this property is because it was zoned A-O back in the early 1960's, apartment/office zoning district and that is no longer being zoned to properties. This is the existing zoning on the property and the owner did get a permit properly.

Councilmember MacGinnitie questioned what the comparable zoning would be now.

**Director of Community Development Leathers** stated that O-I is the most equivalent, particularly given that they have decided to do offices as opposed to apartments. There are more buffers in the new O-I district than they are in the old A-O district.

Councilmember Jenkins stated that if Council were to rezone it as the neighbors wanted, it would take him from the O-I designation he has been taxed on to a Residential 1-2.

**Director of Community Development Leathers** stated that would be on the land use plan but would not change his zoning. It would show a future use that is not consistent to existing zoning.

Councilmember MacGinnitie stated that he is uncomfortable with making changes at the last minute. He suggested that it remain as it is in the Plan.

**Motion and Second:** Councilmember Jenkins moved to approve the Comprehensive Plan Community Agenda. Councilmember Fries seconded the motion.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda by designating 120 and 130 West Wieuca Road, and 4550 Roswell road parcels to be included in the Live/Work/Neighborhood shown on the proposed Land use Node Map. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed 4-1, with Councilmember MacGinnitie voting in opposition.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda to 55 Northwood Road (R1-2) to be designated as R12-20 to reflect the parcel as it is currently developed and revised on the Future Land Use Map. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda at Heritage Oaks development (R1-2) to be designated as R12-20 to reflect the parcel as it is currently developed and revised on the Future Land Use Map. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda to designate the addresses of 284, 286, 288, and 290 Hedden Street as Protected Neighborhood status. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda to designate 258 Meadowbrook Drive as Protected Neighborhood status. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda updates to transportation project Tables 6.3 and 7.32 included in the Capital Improvement Element (CIE), Chapter 7 text, roadway network and 5-year transportation maps. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda with minor clarifications to the Community Agenda text and maps as requested by the ARC and DCA. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Meizen McEnery moved to amend the Comprehensive Plan Community Agenda and remove parcels shown as "Office" on the Future Land Use Map at 5416, 5424 and 5430 Glenridge

Drive (Tall Oaks area) from Protected Neighborhood status. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

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

### **Reports and Presentations**

Mayor Galambos gave a statement the long run solutions to water problems that will go to the North Fulton Municipal Association. The Municipal Association would like to send a message to the Governor, ARC, Lieutenant Governor. It mainly addresses future long run solutions.

Councilmember Meinzen McEnery stated that she attended the North Fulton Mayor's Association Meeting at which time this was discussed. All of the North Fulton Mayor's were going back to their Council requesting this to be considered. She highly supports approval of this resolution.

**Motion and Vote:** Councilmember DeJulio moved to approve endorsement of Resolution on the Long Run Solutions to Water Problems, to be brought forward by the North Fulton Municipal Association. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

### **Staff Reports**

**City Manager McDonough** reminded everyone that the City would be celebrating its second anniversary as a City on December 4, 2007 at 5:00 p.m.

### **Public Comment**

There were no public comments.

### **Executive Session – Personnel**

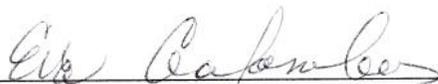
**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss personnel matters. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 8:30 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:35 p.m.

### **Adjournment**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously. The meeting adjourned at 8:38 p.m.

Date Approved: January 15, 2008

  
\_\_\_\_\_  
Eva Galambos, Mayor

  
\_\_\_\_\_  
Christina V. Rowland, City Clerk

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

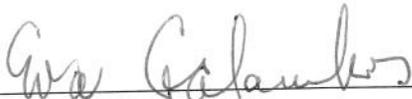
November 20, 2007

**AFFIDAVIT FOR EXECUTIVE SESSION**

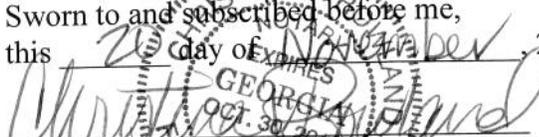
Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 20<sup>th</sup> day of November, 2007, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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);

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

  
\_\_\_\_\_  
Eva Galambos, Mayor

Sworn to and subscribed before me,  
this 20 day of November, 2007.

  
\_\_\_\_\_  
Notary public (SEAL)

