

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held October 16, 2007 at 6:00 p.m. Mayor Pro-Tem DeJulio presiding.

Invocation - Rev. Ron Gilreath, Mount Vernon Presbyterian, Assoc. Minister offered the invocation.

Call to Order

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

Roll Call and General Announcements

Mayor Pro-Tem DeJulio requested that the City Clerk call the roll.

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 Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Mayor Pro-Tem Tibby DeJulio. Councilmember Karen Meinzen McEnery absent.

Pledge of Allegiance

Council Page Thomas Settle, Ridgeview Charter School led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Paul moved to approve the meeting agenda. Councilmember Fries seconded the motion. The motion carried unanimously.

Consent Agenda

1. Approval of Minutes:
 - a. Approval of the September 18, 2007 Regular Meeting Minutes.
 - b. Approval of the October 2, 2007 Regular Meeting Minutes.
2. AM07-009 - Powers Ferry Landing, *Applicant: Powers Ferry Landing Property Owners*, To delete condition 4.a. regarding the reservation of a portion of the subject property for future right-of-way.
3. AM07-010 - 282 Mount Paran Road, *Applicant: The Schenck School*, To modify condition 2.a. of U04-0023/CV04-0206 to amend the approved site plan for the Schenck School to change the location of the proposed playground.
4. Approval of a Resolution authorizing the acceptance of the Temporary Construction Easement Located at 1034 Hammond Drive, City of Sandy Springs, Fulton County, Georgia
Resolution No. 2007-10-57
5. Approval of a Resolution authorizing the Acceptance of the Donation of Right-of-Way and Approve the Temporary Construction Easements that are Located in the PCID Fulton Phase I Intersection and Sidewalk Project
Resolution No. 2007-10-58
6. Approval of the Authorization of the City Manager to Execute a Contract with ARCADIS U.S., Inc., for Concept Design for the I-285 Tunnel Sandy Springs Circle Underpass Project (T-0023).
Resolution No. 2007-10-61
7. Approval for the Honorable Mayor to Sign the GDOT Project Framework Agreement (PFA), Project No. STP00-9252-00(007), Fulton County, P.I. # 751420 for Project No. T-0011, Johnson Ferry-Glenridge (Earmark)

8. Approval of a Resolution approving a Right-of-Way Deed and Permanent Construction Easement Agreement with Holy Innocents School for the Mt. Vernon Parkway Sidewalks Project, No. T-0007.

Resolution No. 2007-10-59

9. Approval of a Resolution authorizing the acceptance of the Conveyance of Temporary Driveway Easements located on Mt. Vernon Parkway for Mt. Vernon Parkway Sidewalks Project No. T-0007.

Resolution No. 2007-10-60

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

Public Hearings

Rezoning

RZ06-030/CV06-015 - 8475 Roswell Road (SR9), Applicant: Popeye's Corporation, From C-2 conditional to C-2 to remove the restriction of the use of the property as a gas station only and to allow for the development of restaurant, with concurrent variances.

City Planner Ruffin stated that the applicant has requested to withdraw this rezoning request.

Councilmember Fries explained that the reason for this withdrawal is that the current owner is having environmental issues at this location and Popeye's no longer wants to wait for this issue to be resolved.

Motion and Vote: Councilmember Fries moved to approve applicant's request to withdraw RZ06-030/CV06-015 application. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

RZ07-018/CV07-014/U07-006 - 6890 & 6860 Peachtree-Dunwoody Road, Applicant: PDC, LLC, To rezone the subject property from O-I conditional to MIX for the development of 163 residential units, 43,400 square feet of office space, and 9,500 square feet of retail space, with concurrent variances and a use permit to exceed the district height.

City Planner Ruffin stated that this is a rezoning request for property located at 6860 and 6890 Peachtree Dunwoody Road. There have been some issues since. Staff is requesting a 90 day deferral on this application.

Pete Hendricks, 6085 Lake Forrest Drive, Atlanta stated that the applicant has a proposed modification and amendment to this application. The amendment is to reduce the building height to a maximum of six (6) stories. The senior's community is proposed to have 150 units. Independent living residences will compose approximately 80% of the community and possibly some assisted living that will not exceed 20%. The applicant would like the ability to modify this application and respectfully request that Council allow deferral at this time.

Mayor Pro-Tem DeJulio called for public comment. There were no comments from the public.

Councilmember Jenkins stated that a senior center is a great idea but her concern is that this is the fourth version of this proposal. The applicant is coming in now with a senior center instead of a mixed use facility; Paragraph b.1., states that this is going to be conditional zoning under AL with front and side yard variances. She stated that the applicant needs to start the process over on his application and that the 90 day time period should remain the same. This application needs to be re-advertised as the Senior Living facility.

Motion and Vote: Councilmember Jenkins moved to withdraw RZ07-018/CV07-014/U07-006 application. Councilmember Fries seconded the motion. The motion carried unanimously.

Councilmember Fries stated that the problem with this application is it keeps coming back before Council with changes and would be better for staff to start the process over. The original deferral was for a 60 day time period and staff feels that this would not be enough time.

Community Development Director Leathers stated that it would be a 105 day process.

Mr. Hendricks stated that the applicant had a final deadline date of October 4, 2007, and would like to keep this schedule.

Councilmember Jenkins stated that she would like to sit down and talk with him on a new plan.

Community Development Director Leathers stated that staff could not waive the final deadline of October and that it would need to have the November deadline before coming back to City Council in February 2008.

RZ07-023/CV07-022 - 5416 & 5421 Glenridge Drive, 357 & 367 Tall Oaks Drive (rear), Applicant: ALPHA 7, LLC, To rezone the subject property from R-3 and O-I conditional to O-I to maintain the existing office buildings on the site and to allow for the construction of a three-story parking deck at the rear of the property, with concurrent variances.

City Planner Ruffin stated that this is a rezoning request to rezone the office properties on Glenridge Drive from O-I conditional to O-I and portions of the R-3 in the rear to O-I for the development of a three (3) story parking deck. At this time the applicant has requested a withdrawal of his application.

Pete Hendricks, 6085 Lake Forrest Drive, Atlanta, stated that the applicant had originally filed for a zoning modification. The applicant did not receive the support from the community and this is the reason the applicant would like to withdraw his application.

Motion and Vote: Councilmember Paul moved to approve applicants request to withdraw RZ07-023/CV07-022 application. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Zoning Modifications

ZM07-004/CV07-015 - 5416 & 5424 Glenridge Drive, Applicant: ALPHA 7, LLC, To modify conditions 2.a., 3.a., and 3.d. of Z89-0023 to substitute the existing site plan and to allow for the installation of decked parking, with concurrent variances.
Ordinance No. 2007-10-59

City Planner Ruffin stated that this is a zoning modification request to the conditions of the Fulton County zoning case Z89-0023. The applicant is requesting that condition 2.a. be modified to substitute the site plan, condition 3.a. be modified to allow for a chain link fence rather than the wood fence or masonry wall that was required and, condition 3.d. be modified to allow above grade parking structure. The applicant is also requesting three (3) concurrent variances; to delete the required 50 foot buffer and 10 foot setback along the north property line to allow the proposed parking deck to encroach into the required 10 foot landscape strip along the east property line and to allow the parking deck to encroach into the required 25 foot impervious surface stream setback.

Staff is recommending approval conditional of the modification to the condition without a recommendation on the concurrent variances. The Design Review Board recommended approval of this request at the May 22, 2007 meeting.

Pete Hendricks, 6085 Lake Forrest Drive, Atlanta, stated that there are two existing office buildings on this property. The first office building was built to house the U.S. Headquarters and is almost completed for occupancy. The folks in Milan, Italy wanted this to be the World Headquarters. The applicant was to negotiate, buy and close on the property in order to accommodate the parking needs for its business operation, additional parking is needed. The applicant's only option is to construct a three (3) level parking structure at the rear of the property. The third level is a

maximum of seven (7) feet above grade right between the two office buildings. There has been a lot of discussion and it has been suggested that it would be more palatable for this to be a two (2) level structure, deleting the third level. The applicant is willing to agree to the two (2) level parking structure. A good portion of the first level is underground. The applicant is the owner of the two residential lots near this property. The applicant has agreed to restrict himself on this rear portion of this lot and will keep it residential and will not seek for more rezoning. The only asterisk on it would be if there was an overall assemblage of the residential property zoning area then the applicant would have a right to participate in such an assemblage. This is a deed restriction and a covenant that runs with the land which does not have a 20 year trigger on it. The City Arborist came out and gave a suggestion as to how this area could be improved with plantings. As part of the deed restriction the applicant has agreed to impose on self, the applicant has also incorporated a landscape plan to ensure the improvements of that area. There was discussion about putting the structure between the two existing buildings but, the structures height would be higher than the buildings. The reason for this is that half the rows have to be used for the cars going up and can only secure 13 spaces on each level for parking. The treatment the applicant has proposed is a very unique system of having a lattice work that would be between the spandrels. The lattice work would have ivy applied against it. The applicant took out the under story to make this just as bold as possible. City staff has recommended approval of this application. The applicant agrees to the staff conditions. The Design Review Board has recommended approval as well.

Councilmember Jenkins questioned the amount of parking spaces the applicant would have at both the three and two levels. Mr. Hendricks stated that the three level parking deck would give applicant 75 parking spaces, the two level deck would have a total of 50 parking spaces.

Mayor Pro-Tem DeJulio called for public comment.

Bob Beavers, 5535 Windy Ridge Drive, Benton Woods subdivision, spoke in opposition of this application. He stated that the applicant is proposing to place a deck within the buffer zone that is between the applicant's building and their protected neighborhood. He asked that City Council uphold the spirit and integrity of the City's Land Use Plan and not allow this parking deck.

Pattie Sullivan, 5530 Benton Woods Drive, spoke in opposition of this application. She stated that the Benton Woods subdivision has been designated as a protected neighborhood under the current City's Land Use Plan and should remain residential in nature and character. Alpha 7, LLC and the residents have met several times with consistent opposition to all of the applicants proposals. There is an 8,000 square foot home being built on Tall Oaks adjacent to the subject property where they are talking about alleviating the buffer in addition to the lot next to this one. The neighborhood is concerned about the incursion into their neighborhood to allow a parking deck be built on the property line of the neighborhood. Buffers are supposed to soften the impact of an office building or a parking deck. Both visually and for noise pollution directed into the neighborhood eliminating the rear buffer on the office building is totally in violation of the Comprehensive Land Use Plan and negatively alters the characteristic of their neighborhood. The current property owner purchased the lot and built the office building at 5424 Glenridge Drive in 2002, at which time Fulton County made the stipulation that no above ground parking deck would be allowed. In 2007, the owner purchased the two Tall Oaks residential properties and the other office building at 5416 Glenridge knowing that at that point in time the parking on those two O-I building would be inadequate for their intended purposes. By acquiring these three properties they took a calculated risk they could build a parking deck in spite of established zoning regulations. This is plainly a self imposed hardship; therefore they should not be allowed to solve their parking problems at the detriment of their neighborhood. This is the sort of rezoning attempt that leads them to vote for the creation of the City of Sandy Springs. She asked that City Council not let them down by approving this rezoning.

Nancy Early, 5220 High Point Road, NE, stated that she is the President of High Point Civic Association and their position is to back the neighbors in Tall Oaks and Benton Woods. A petition was sent out and received approximately 200 signatures with negative comments in opposition to this parking deck. The neighborhood does not want the 60 foot buffer reduced to zero feet. This is not good for their neighborhood and sets a dangerous precedent for other neighborhoods as well. It is clearly a self imposed hardship on the part of the applicant. He bought the property knowing that there was not enough parking for his purposes. Fulton County upheld this, upheld a no deck parking deck there. She does not know of anything that has changed that would make Sandy Springs think they should put in multi-

deck parking at this time. The neighbors agree with staff that the location and size of the deck is a problem due to the proximity of the residential properties. High Point Civic Association requests that City Council deny this application.

Daren Lubinsky, 318 Tall Oaks Drive, stated that the proposed changes will negatively reflect the character of the residential neighborhood. The Planning Commission denied the changes at their September meeting. He can see no reason why Council should approve this application for the use of a business in the residential neighborhood.

Robin Beechey, 20 Willow Glen, stated that he is speaking in opposition on behalf of the Willow Glen Condominium Association. The Association opposes this application for two reasons. One, to show solidarity with the other neighborhoods resisting this sort of creeping encroachment which seems to be contrary to the provisions of the Comprehensive Land Use Plan with exceptions at this early stage. Secondly, the traffic will increase because of the number of parking spaces on this site. He requests that City Council deny this application.

Marco Rebuson, 5424 Alenridge Drive, Applicant, stated that Alpha has done everything possible to try and please the neighbors. He built two office buildings and when he purchased the first one he did not know about all of this, but when he purchased the second one he knew. It is true; he might have made a mistake. He had a dream to build a training office he realized that was not possible because of the opposition. He has explained to everyone that he is willing to sign any kind of restriction possible on these two pieces of land. He does not believe the traffic is an issue because that office building will be full of people. This parking lot is needed or the cars will be all over the place.

Mr. Hendricks stated that there have been a lot of comments made on this application because many heard that two applications had been submitted. One, was for the rezoning. From the beginning he did not consider this being an appropriate application because it goes into the residential area and it should not. There have been concerns about this zoning application. There was a lot of emotional infusion about the height of the parking deck. The applicant has done everything possible to come up with a plan that will not have any negative intrusion to the neighborhood. There is a terrible burden of the parking situation on his property. The cars are already there and it will not generate more traffic coming and going from the property. This will allow the cars on the property the ability to park. This is a good application and the two deck level puts it right on grade with the parking that is going on around it right now. The first level would mostly be underground and the applicant has a landscape plan which is part of the deed restriction that the applicant imposed upon himself. He does not believe that there will be any negative impact on the community. He respectfully requests that City Council approve the rezoning application and concurrent variances and the one recommendation of adding a fence in the back.

Raul Trujillo, 358 Tall Oaks Drive, spoke in opposition of this application. He stated that he lives directly across from the proposed parking deck and that there will be no visibility of the deck, but there will be the 60 feet of vegetation removed in order to create the parking deck. He presented pictures that were taken during the winter and summer months from the north boundary of the Glenridge Drive properties. The pictures demonstrate the impact of any proposed infringement into the designated buffer by the proposed parking deck. At the last meeting the applicant indicated that he would provide a chain link fence on the back of the parking deck. The new proposal provides a lattice covered with Ivy which is very hard to do. The required buffer between existing O-I properties and residential should be maintained at all cost to insure that the protected neighborhoods are not taken over by commercial developments.

Patty Berkovitz, 800 Crest Valley Drive, SSCN, stated that the Sandy Springs Council of Neighbors supports the neighbor's position in that this use is inappropriate for this location, especially after Council's ruling on the Sandy Springs Toyota, which put the parking deck right in their backyard. She assumed Council would follow the same pattern that was set with them and deny this application tonight.

Mayor Pro-Tem DeJulio questioned what the grade would be if the applicant had only the two levels and if it would be noticeable from Tall Oaks.

Mr. Hendricks stated that there is surface parking right now between the two buildings. He believes that it would be on grade as all other parking. It would not pop up above and a good portion of the lowest level would be underground.

Councilmember Fries questioned the reason staff denied the modification on the fencing.

Ms. Ruffin stated that the original intent of it was to screen the property from the neighborhood.

Councilmember Fries stated that she visited this site and went up every driveway to get a feel of how it would look. She is very concerned about the 8,000 square foot home that is being built on the corner. She did not see an issue with the visibility aspect. She does not think that the way the deck is designed and because much of it is underground, that it will be visible.

Councilmember Jenkins stated that she visited this site as well. Eighty percent of the parking deck will be underground and the rest is going to be at grade level and will not be visible. The first thing seen as you turn on to Tall Oaks is the five story apartment complex. She does not believe if this is pushed backed 200 feet from Tall Oaks this will impact the value of the adjacent neighbor's properties because it will be hidden and well screened.

Councilmember Fries stated that Council is not allowed to use the referenced Land Use Plan in decisions until it is approved by the State.

Motion: Councilmember Paul moved to approve the request subject to staff conditions, with the requested concurrent variances, amending condition 3.a. to require Design Review Board approval of the wall or fence to be installed, to reduce the deck to two (2) levels, and to require the deck to be screened as shown on the elevation at the meeting subject to the approval of the Design Review Board.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and accessory uses at a maximum density of 15,000 square feet of gross floor area per acre zoned or a total gross floor area of 31,500 square feet, whichever is less.
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.
 - b. To submit to the Director of Community Development 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 and the method of continuing maintenance of these facilities.
 - c. To submit to the Director of Community Development 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 within 90 days after the issuance of a Certificate of Occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final place of development.
 - d. To submit to the Director of Community Development for her approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.
3. To the owner's agreement to the following site development considerations:
 - a. Provide a minimum 6 foot high, fence or wall subject to the approval of the Sandy Springs Design Review Board along the entire length of the north property line (except for approved access crossings), said fence/wall to be located outside of any public right-of-way and interior to any required landscape strips and/or buffers.

Regular Meeting of the Sandy Springs City Council

Tuesday, October 16, 2007

Page 7 of 12

- b. No more than 1 exit/entrance on Glenridge Drive to be located a minimum of 250 feet from any other curb cut. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - c. Trash dumpsters shall not be located within 50 feet of any required fencing. Said location of trash dumpsters shall be subject to the approval of the Director of Community Development.
 - d. To a maximum two (2) story parking deck located at the northeast corner of the subject property as shown on the site plan received by the Department of Community Development on September 28, 2007. The parking deck shall have a screening treatment similar to that received by the Department of Community Development on September 28, 2007 and presented at the October 16, 2007 Mayor and City Council hearing. Said parking deck and screening shall be subject to the approval of the Sandy Springs Design Review Board.
 - e. No roof signs are permitted.
 - f. Provide and maintain off-street parking on the subject property during the entire construction period.
 - g. Provide interparcel access within the subject property and to adjacent property(ies) as may be required by the Director of Public Works.
 - h. To delete the required fifty (50) foot buffer and ten (10) foot improvement setback along the north property line adjacent to residentially zoned property (CV07-015).
 - i. To allow the proposed parking deck to encroach into the required ten (10) foot landscape strip along the east property line (CV07-015).
 - j. To allow the proposed parking deck to encroach into the required twenty-five (25) foot impervious surface stream setback (CV07-015).
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 a minimum of forty (40) feet of right-of-way from the centerline of Glenridge Drive, 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 improve said road 26 feet from center of road to back of curb along the entire property frontage, and further to allow the necessary construction easements while the right-of-way is being improved.
 - b. Provide a deceleration lane for a distance of 200 feet and a 50 foot taper for each project entrance or as may be approved by the Sandy Springs Traffic Engineer.
 - c. Provide a left-turn lane at the project entrance on Glenridge Drive. Said design and location subject to the approval of the Sandy Springs Traffic Engineer.
 - d. Design required on-site storm water detention facilities such that they are not located within any required buffers, landscape strips or on required parking and loading areas.
 - e. Construct sidewalks along entire property frontage within the right-of-way of Glenridge Drive. Said sidewalks shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.
5. To the owner's agreement to abide by the following:

- a. To contact the Director of Community Development, 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 Jenkins seconded the motion. There was no Council discussion. The motion passed 3-1 with Councilmember DeJulio voting in opposition.

ZM07-008/CV07-023 - 6411 & 6421 Wright Road, Applicant: Paul R. and Annetta D. Sellers, To modify conditions 2.a., 3b., 3.c., and 3.d. of Z03-0082/CV03-0114 to amend the approved site plan for the development of 2 single family detached homes and to allow direct access from Wright Road, with concurrent variances. Ordinance No. 2007-10-60

City Planner Ruffin stated the applicant is requesting a zoning modification to Fulton County's zoning case Z03-0082, to substitute the approved site plan, to delete condition 3.b. regarding interparcel access with the subdivision to the south, to delete condition 3.c and 3.d. to allow direct access of the lots to Wright Road. The applicant has also requested four concurrent variances; to reduce the 40 foot perimeter setback to 30 feet of the north property line, to reduce the required 30 foot side perimeter setback to 20 feet along the north property line, to allow the proposed retaining wall to encroach into the required 25 foot impervious surface setback adjacent to the stream on the site and to delete the required streetscape improvements along the Wright Road frontage of the property to allow the existing sidewalk, pedestrian lighting, and other improvements to remain. Staff is recommending approval conditional of the zoning modification request and approval of the concurrent variances.

Roger Blichfeldt, 5855 Garber Drive, stated that his clients moved onto this property in 1970 and at that time it was two or three non-conforming lots. In 2003, it was part of an assemblage done by Mr. John Murray for the Johnson's Creek Subdivision. That subdivision was to wrap around onto Wright Road and include these two residential lots. Mr. Murray assigned those contracts after rezoning. The contractor that did the project did not close on the sale of these two properties making this an assemblage gone bad. The owners of this property are an elderly couple in their 80's and their children live in Athens, Georgia. This is a way to modify this zoning to enable them to sell the property and have two single family homes on this property where it is now currently zoned for three townhomes. This would be a benefit to the neighborhood and the neighbors have been supportive. It will be a better transition into the neighborhood along Wright Road. This is a difficult property, a stream crosses this property and the owner has made every effort possible to maintain the buildable area with the setbacks and outside the pervious area. The applicant has a variance request for a potential retaining wall to help stabilize the drainage only. The applicant may not have to do this wall. He has met with City staff and engineers on the drainage issues on this property which are such that some grading and additional drainage pipe and the catch basin on Wright Road should satisfy the issues applicant has on their property. The applicant is requesting setback variances basically to push the house forward to keep it out of the impervious area to allow room to build a decent house at the entrance of this neighborhood. The streetscape is already installed and the streetscape that was installed from Johnson's Creek does not actually match up with the neighborhood. It seems to be a better transition to keep the streetscape as it is in Whispering Pine. The other problem when this rezoning was done, included a restriction of access to Wright Road. The developer was to bring a private road around the corner and onto this property to service the three townhomes. The purchase did not go through and now the applicant is left with these restrictions and no accessibility onto Wright Road. The applicant would like to have a driveway for each of the two homes.

Mayor Pro-Tem DeJulio called for public comment.

Ruth Price, 6457 Wright Road, stated that this property has a stream that runs from the corner of Sandy Springs Circle and Johnson's Ferry behind the development down Wright Road all the way to Abernathy. Her concern is with the flow of water erupting at the corner of Johnson's Ferry and Sandy Springs Circle, with the pipes that were recently put in. In 1960, there was a wet spring running there and now it is 10 feet deep as you approach Wright Circle and

Wright Road. Her concern is really for the water situation and what the developer would like to do with the detention pond which holds the water and pushing it on to another property. This really needs to be looked at as the developer is going for the two homes.

Mayor Pro-Tem DeJulio questioned if what she was saying was that the stream is 10 feet deep.

Ms. Price stated that the drop off (not water) when it gets to 6510 Lake Circle is 10 feet deep.

Mr. Blichfeldt stated that they are a considerable distance from this. When the Target Shopping Center was built, they dumped all the water into what was a stream at one time. It has run its course all the way down through these properties and down to Abernathy. The rear of the property is outside that 25 foot impervious surface and there is no way to build in this area. It just made sense to change the setback to stay out of it and that is the applicant's intention. Councilmember Jenkins had inquired about the drainage. There is a pipe that goes underneath Wright Road that was installed in 1980, that has caused some additional problems for both the property owners. It's an 18 inch pipe and was extended all the way down towards the stream but the pipes washed away years ago. One of the things the applicant will be doing as part of the site development is to reinstall this, which will stop the erosion on both sides and grade over the area. The builder will have to deal with this water through development standards. The applicant will have to reduce the water that is discharged from the property which is the requirement from the development standards.

Councilmember Fries questioned staff if they would be working with the builder on the stormwater and drainage issues.

Director of Community Development Leathers stated that the builder would have to meet all of the requirements.

Mayor Pro-Tem DeJulio questioned if the applicant is trying to bring it back to two single family lots.

Director of Community Development Leathers stated that is correct and noted that there was an error in the conditions from staff that states "three" it should be two. She asked Council when taking action on this item to make sure it is two.

Motion: Councilmember Fries moved to approve ZM07-008/CV07-23, 6411 and 6421 Wright Road to modify conditions 2.a., 3.b., 3.c, and 3. d. of Z03-008/CV03-0114 to amend approved site plan for the development of two (2) single family detached homes and to allow direct access from Wright Road, with concurrent variances with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. No more than two (2) total dwelling units at a maximum density of 1.50 dwelling units per acre based on the total acreage zoned, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated September 10, 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. Provide a 7-foot perimeter side yard setback along the south property line adjacent to TR (Townhouse Residential) zoning. (2003VC-01 14 NFC)
 - b. To reduce the required forty (40) foot front perimeter setback to thirty (30) feet (CV07-023).

- c. To reduce the required thirty (30) foot side perimeter setback to twenty (20) feet along the north property line (CV07-023).
 - d. To allow the proposed retaining wall to encroach into the required twenty-five (25) foot impervious surface setback adjacent the stream on the site (CV07-023).
 - e. To delete the required streetscape improvements along the Wright Road frontage of the property to allow the existing sidewalk, pedestrian lighting, and other improvements to remain (CV07-023).
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Reserve Dedicate at no cost to the City of 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 City of 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 Wright Road
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 Building and Development Division to arrange an on-site visit to review drainage issues.
 - 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 Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Text Amendment

**RZ07-033 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the City of Sandy Springs Zoning Ordinance
Ordinance No. 2007-10-61**

City Planner Ruffin stated that this is a text amendment to delete the Special Events section from the Zoning Ordinance due to the fact that it will be addressed in the Code of Ordinances and it does not need to be handled from both places.

Mayor Pro-Tem DeJulio called for public comment. There were no comments made from the public.

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance amending Article 19, Administrative Permits and Use Permits, of the City of Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations

Staff Reports

Assistant City Manager Rapson announced that the City Hall complex lost water today and that the City of Atlanta should be coming out to repair the problem tonight.

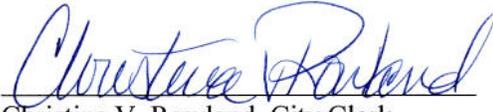
Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion carried unanimously. There was no Council discussion. The meeting adjourned at 7:14 p.m.

Date Approved: November 6, 2007



Tibby DeJulio, Mayor Pro-Tem



Christina V. Rowland, City Clerk