

Work Session and Regular Meeting of the City Council was held Tuesday, June 19, 2007, 6:00 p.m., Mayor Eva Galambos presiding.

Invocation

Rabbi Joshua Heller, Bnai Torah came forward and offered the invocation.

Call to Order

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

Roll Call and General Announcements

Assistant City Clerk Tye reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk. She introduced the council page, Bishop Womack, Sandy Springs Middle School.

Assistant City Clerk Tye called the roll.

Councilmembers Present: Councilmember Dave Greenspan, Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

Pledge of Allegiance

Council Page Bishop Womack led the Pledge of Allegiance.

Approval of the Meeting Agenda

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

Consent Agenda

1. Approval of Minutes:
 - a. May 15, 2007 Regular Meeting Minutes
 - b. June 5, 2007 Regular Meeting Minutes
2. Approval of a Memorandum of Understanding with MARTA and authorize the Mayor to sign.
3. Approval of a Resolution accepting Right of Way at 6615 Peachtree-Dunwoody Road.
Resolution No. 2007-06-29
4. Approval to authorize the City Manager to execute a contract with Qk4 for the Roswell Road Streetscape project from Johnson Ferry Road to Abernathy (T-0012).
5. Approval of a forty-foot wide temporary construction easement and twenty-foot wide permanent sewer easement that is approximately 236 feet long to Fulton County.
6. **AM07-001-260** Rivermere Way, *Applicant: Tom Nichols*, To modify condition 3.a. to allow for allow for a nineteen (19) foot, eight (8) inch front yard setback rather than a twenty (20) foot front yard setback.

7. **AM07-002-8895** River Landing Way, *Applicant: Gary Minor*, To allow a self-contained, weatherproof generator to be placed in the sixty (60) foot front setback of the subject property.
8. **AM07-003-480** Wembley Circle, *Applicant: Earll Diva*, To modify condition 3.b. to allow for an existing eleven (11) foot, one (1) inch by thirty (30) foot concrete patio to be setback thirty-five (35) feet, eleven (11) inches from the rear property line and encroach thirteen (13) inches into the area of no disturbance.
9. **AM07-004-250** Trimble Crest Drive, *Applicant: Charles Tsang*, To modify condition 3.f. to delete the required forty (40) foot building setback from pipeline centerlines for the subject lot.

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

Presentations

Mayor Galambos read the Proclamation for Flag Day and presented it to members of the Piedmont Chapter of the Sons of the American Revolution.

Public Hearings

Assistant City Clerk Tye read the zoning rules.

Approval of an Ordinance Adopting a Budget for the Fiscal Year 2008 for each fund of the City of Sandy Springs, Georgia. Ordinance No. 2007-06-37

Assistant City Clerk Tye stated that the next agenda item is a public hearing for an Ordinance adopting a budget for the Fiscal Year 2008 for each fund of the City of Sandy Springs, Georgia, pursuant to Article VI, Chapter 6 of the Charter of the City, beginning July 1, 2007, and ending June 30, 2008, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources.

Assistant City Manager Rapson stated that this is the third and final hearing on the budget. Staff recommends adoption of the budget as presented.

Mayor Galambos opened the public hearing and called for public comments. There were no comments from the public.

Motion and Vote: Councilmember Fries moved to approve an Ordinance adopting a budget for the Fiscal Year 2008 for each fund of the City of Sandy Springs, Georgia, pursuant to Article VI, Chapter 6 of the Charter of the City, beginning July 1, 2007, and ending June 30, 2008, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources. Councilmember Meinzen McEnergy seconded the motion. The motion carried unanimously.

To receive input as it relates to establishing a millage rate to be levied for the tax year 2007 as required by O.C.G.A. Section 48-5-32 et seq.

Assistant City Clerk Tye stated that this is a public hearing to receive input as it relates to establishing a millage rate to be levied for the tax year 2007 as required by O.C.G.A. Section 48-5-32.

Assistant City Manager Rapson stated that this is the second hearing for the millage rate adoption. The millage rate will be adopted on July 10, 2007.

Mayor Galambos opened the public hearing and called for public comments.

Ty Fuller, 1165 Spalding Drive, questioned why property taxes were being increased. He expressed concern regarding the amount of his taxes.

Mayor Galambos explained that the Charter states that the millage rate will be at 4.731 unless the citizens change it by referendum. The tax bill is calculated by the millage rate times the assessment. The assessment for city taxes cannot increase more than 3%. So the most an assessment can go up for City taxes is 3%. However, the School Board does not observe that cap.

Councilmember Fries stated that city taxes make up 13% of the tax bill. That is all the City has control over. The remainder is Fulton County and Fulton County School Board. Assistant City Manager Steve Rapson provided an example of the dollar amount of a 3% increase.

Mayor Galambos closed the public hearing.

**Consideration of approval of a Resolution authorizing the transmittal of the Comprehensive Plan Community Agenda to the Regional Development Center and State for review and comment pursuant to State of Georgia local planning requirements Chapter 110-12-1-.08.
Resolution No. 2007-06-28**

Deputy Director of Community Development Vann McNeill stated that this is for the final consideration prior to submittal to the state. He stated that this public hearing will conclude the hearings and satisfy the requirements of the state. He introduced members of the committee, Joey Mason, Harriett Mills, D.J. DeLong.

Ms. Harriett Mills stated that she served on the Citizen's Advisory Committee. She stated that they have worked very hard. She is present in the event that Council has any questions. She explained that there were sub-committees of the committee. They were Transportation, Recreation and Parks, and the Land Use Plan. She explained some of the difficulties the committee experienced.

Mayor Galambos thanked the committee for the hard work and many hours.

Mr. Joseph Mason presented some concerns and initiatives of the Transportation sub-committee. Councilmember Fries questioned if the tunnel could be included. Community Development Director Nancy Leathers stated that it is included.

Mr. D.J. DeLong stated that he was a member of the Recreation and Parks sub-committee. He updated the Council on how to get more greenspace and park land for the City.

Mayor Galambos opened the public hearing.

Areas 20, 21, 22, 23, 24, 25-Peachtree Dunwoody Corridor

Tochie Blad, 7320 Hunters Branch Dr., Sandy Springs Council of Neighborhoods, stated that this land use plan came out of committee very dense. She expressed concerns that this plan does not protect the neighborhoods. There is no height restriction along the MARTA stations, I-285, Riverside.

Sharon Griswold, 240 Glen Meadow Ct., Glen Meadow Subdivision, stated that this corridor is meant to be a residential corridor. She expressed opposition to an unlimited building height in this corridor. They support Councilmember Jenkins recommendation for a six story height maximum on the west side of Peachtree Dunwoody except when it abuts an owner occupied development where it should be four stories.

Gene Hollis, 201 Abingdon Way, Oaks of Dunwoody, stated that this is an entire residential area. He stated that they do not want to see a Wal-Mart or a Home Depot. He also requested a height limit.

Marcia Koch, 41 Basswood Circle, Dunwoody Springs Community Association, questioned if anyone had thought about establishing a fund so that anyone who contributes to the pollution of a lake that is part of a flood control system would be required to assist in the cost of the clean up.

Mayor Galambos stated that the FY2008 budget includes funds for a study on how to establish a storm water utility fund. She stated that Councilmember DeJulio is very aware of the problem.

Brad Steinwede, 260 Glen Meadow Ct., expressed concerns regarding the traffic in this area.

Councilmember Jenkins stated that this is a residential area.

Motion and Second: Councilmember Jenkins moved to amend the height restriction in the Peachtree Dunwoody Corridor, North of Abernathy, page 44, Table 1.5, #4 height limit and the Land Use Policies-Perimeter Community Improvement District (PCID), on page 120 to add the following: With an exception of Peachtree Dunwoody, North of Abernathy where the where the height is limited to 6 stories. Six stories are to be measured from the centerline of Peachtree Dunwoody; and limited to 4 stories next to owner occupied townhomes and condos. This would include the Oaks and the Village of Dunwoody. Councilmember Paul seconded the motion.

Discussion on the Motion: Mayor Galambos requested clarification of this motion. Assistant Director of Planning and Zoning Zehner explained that this is in the PCID node which includes all the living/working areas in that node. Councilmember Jenkins stated that a bonus plan is also included.

Vote: The motion carried unanimously.

City Manager McDonough stated that the International Association of Fire Chiefs has requested a moment of silence in honor of the nine firefighters killed in the City of Charleston. A moment of silence was observed in their honor.

Motion and Vote: Councilmember Jenkins moved to amend the Comprehensive Land Use Map for PCID Area 21 from Live Work Community to Residential 8-12 or Residential 12-20 based on the current development of the property as verified by staff. Councilmember Greenspan seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Jenkins moved to amend the Comprehensive Land Use Map for PCID Area 22 from Live Work Neighborhood to Office. Councilmember Meizen McEnery seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Jenkins moved to amend the Comprehensive Land Use Map for PCID Area 24 from Live Work Regional to Residential 12-20. Councilmember Greenspan seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Jenkins moved to amend the Comprehensive Land Use Map for PCID Area 24a, Village of Dunwoody, from Live Work Regional to Residential 8-12. Councilmember Fries seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Jenkins moved to amend the Comprehensive Land Use Map for PCID Area 24b, Oaks of Dunwoody, from Live Work Regional to Residential 8-12. Councilmember Greenspan seconded the motion. The motion carried unanimously.

Councilmember Jenkins stated that there has been a great deal of discussions with developers regarding greenspace.

Motion: Councilmember Jenkins moved to amend the plan by striking row 5 of Table 1.5 and striking the title of Table 1.5 on page 44, and amending the table by re-titling as "Specifications for Living Working Categories" and

inserting a new row and the Land Use Policies-Perimeter Community Improvement District (PCID), on page 120 to read as follows:

5. Minimum Open and Green Space Components	10%-5% must be greenspace, the remaining 5% may be open space or greenspace	15%-10% must be greenspace, the remaining 5% may be open space or greenspace	20%-15% must be greenspace, the remaining 5% may be open space or greenspace
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A notation should be added to the table indicating that open space is preferred in the Town Center to allow for the development of plazas, fountains, and other similar features.

Second: Councilmember Fries seconded the motion.

Discussion on the Motion: Councilmember Jenkins explained that the plan currently calls for open space. She is requesting that the Council amend it to 5%, 10%, 15% greenspace with 5% of each being open or greenspace.

Councilmember Meinzen McEnery stated that greenspace is also needed in the Town Center as well. Councilmember Jenkins explained that this was to allow for the development of plazas. Councilmember Meinzen McEnery explained that one benefit of greenspace is for the storm water capability. She requested that this state that at least 5% of the open space be pervious surface. Councilmember Jenkins stated that pervious surfaces are not ADA compliant. Councilmember Meinzen McEnery stated that today's technology is far advanced for pervious pavers.

Friendly Amendment: Councilmember Meinzen McEnery made a friendly amendment to remove the notation indicating that open space is preferred in the Town Center to allow for the development of plazas, fountains, and other similar features. Councilmember Jenkins accepted the friendly amendment.

Vote: The motion as amended carried unanimously.

Mayor Galambos stated that they would now consider the changes to the Future Land Use Map.

Assistant Director of Planning and Zoning Zehner stated that amendment number one is on the north side of Roberts Drive, at the intersection with Roswell Road. It involves one parcel. This amendment would change that subject property from Residential 0-1 to Park/Recreation/Conservation-Public and Commercial. This change was denied by the Citizens Advisory Committee.

Mayor Galambos called for public comments.

Bill Griffith, 9580 Roberts Drive, expressed opposition for this change.

Motion and Vote: Councilmember Greenspan moved to accept the Citizens Advisory Committee's recommendation. Councilmember Paul seconded the motion for discussion. The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner stated that amendment number two is on the south side of Roberts Drive, moving east from Roswell Road. The property is currently designated Residential 8-12 units per acre. The Citizens Advisory Committee recommended approval of changing these properties to Residential 1-2 units per acre.

Mayor Galambos called for public comment.

Bill Griffith, 9580 Roberts Drive, stated that it was his understanding that this proposed change is part of the interim plan currently and this slipped through the crack. This was an oversight. He has had a petition signed in

support of returning to lower density. No one refused to sign the petition. He requested support of this amendment.

Sharon Druck, 102 Lexington Place, agreed with Mr. Griffith and requested support of this amendment.

Motion: Councilmember Fries moved to approve the recommendation of the Citizens Advisory Committee to change these properties to Residential 1-2 units per acre with the amendment to remove the protected neighborhood designation from the south side of Roberts Drive where it abuts property designated as Living-Working Regional.

Assistant Director of Planning and Zoning Zehner stated that both the north and south sides of Roberts Drive in this area are designated as protected neighborhoods. Staff's understanding is that Councilmember Fries' intent is to not designate those properties along the south side of Roberts Drive as protected neighborhoods where they abut properties designated as Living-Working Regional. Councilmember Greenspan questioned how that would affect those properties. Mr. Zehner stated that the setbacks and buffers could be affected.

Councilmember Greenspan clarified that the buffers could be reduced. Mr. Zehner stated that it is possible that the buffers might not be as large as they could be.

This motion failed for lack of a second.

Motion and Vote: Councilmember Greenspan moved to approve the recommendation of the Citizens Advisory Committee to change these properties to Residential 1-2 units per acre. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Area 46, Glenridge South of Hammond

Assistant Director of Planning and Zoning Zehner stated that these properties are on the west side of Glenridge, south of Hammond indicated on the interim map as Residential 3-5. The current Comprehensive Plan indicates that the maximum density allowed be five units per acre. The Citizens Advisory Committee recommended amending this to Residential 5-8 units per acre with no stipulations on the maximum developable density.

Clarence Valentine, 5880 Glenridge Drive, stated that higher density is warranted on this property as it is surrounded by higher density on the north, south and east sides.

Gary Toman, 6130 Riverwood Drive, President of Rivershore Estates, spoke in support of the Residential 5-8 designation. This is consistent with all other uses on Glenridge Drive. The reduction in the number of curb cuts would be a positive step. This would provide an appropriate transition to the Glenridge Forest Subdivision.

Roger Blichfeldt, 5855 Garber Drive, explained that there has been rezoning in this area and some to come in the near future. This should be even denser than 5 to 8.

Lee Edy, 5865 Pine Brook Road, stated that this has already been discussed last year and a decision has already been made by this Council. The adjacent homeowners are against the higher density. They should be developed at 3 to 5.

Ellen Collins, 593 Lorell Terrace, Glenridge Hammond Neighborhood Association, stated that a density of 5 to 8 units per acre is profitable. Increasing the density will not increase the property values. This will increase density and take away from the value of the homes.

Gary Monash, 5795 Timberlane Terrace, stated that he is representing his neighbors as well. He also read a letter from Ashley Patterson into the record. He explained that this is a transition from office to residential. There is no transition to his back yard. Turning this into townhomes would create traffic and noise and decrease the value of his home and ruin the quality of life.

Chris Carlson, 5701 Timberlane Terrace, stated that he loves the area he lives in. His family moved here so they would not be around townhomes.

Christine Schroder, 5880 Pinebrook Road, stated that she and her neighbors are opposed to this density and the construction of new townhomes.

Unknown Speaker, requested that this be deferred until Councilmember DeJulio arrives as this is in his district.

Russell Ritson, 5785 Timberlane Terrace, expressed opposition for this change.

Mayor Galambos stated that the consideration of this area would be held until Councilmember DeJulio arrives.

Roswell Road Corridor, east and west side, from south side city limits to Belle Isle

Assistant Director of Planning and Zoning Zehner stated that this includes multiple designations including residential but are mostly living/working neighborhood. The Citizen's Advisory Committee recommended changing this to living working community. There are some areas still designated as living working neighborhood in this area however, the bulk of the properties are recommended to be living/working community.

Councilmember Meinzen McEnery stated that there are several neighborhoods involved. She explained that she would like this to be amended to concur with the Planning Commission's recommendation to keep the section of road south of West Belle Isle to the city limits as living working neighborhood. She explained that a Level of Service study was done by Carter Burgess that showed that if you add additional density to living working community, it would take the road from its existing level of "b" to a failing level. She stated that Councilmember DeJulio is supporting the High Point Civic Association and Cherokee Park in recommending it remain at living working neighborhood. She stated that Councilmember DeJulio wanted to ensure there was a policy for increasing density based on providing additional benefits, such as greenspace, to the community.

Councilmember Fries stated that Councilmember Meinzen McEnery could not speak for Councilmember DeJulio.

Councilmember DeJulio arrived at 8:00 p.m.

Councilmember Meinzen McEnery stated that she had an amendment to the agreed upon amendment. She stated that item 1d should read "Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties comprising a minimum of 5 acres or more. The approval of bonuses will be based on the merits of the project relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to: 1. Providing significant greenspace that exceeds the minimums established in Table 1.5; 2. The elimination of multiple curb cuts along Roswell Road; 3. The use of more neighborhood-scale architecture and design in accordance with new urbanism principles." Discussion followed regarding the definition of new urbanism principles.

Mayor Galambos called for public comment.

Jane Kelley, 4590 Windsor Park Place, Windsor Park Community Association, stated that the current land use plan has a certain designated as live work neighborhood. The proposed plan has the area as live work community. She questioned where the area in question is.

Nancy Early, 5220 High Point Road, High Point Civic Association, explained two other properties that should not be included.

Marsha Holcomb, 4614 Meadow Valley Drive, Cherokee Park Civic Association, stated that they want to return to live work neighborhood. They are trying to keep traffic off their street. She expressed concern that density would increase traffic through their neighborhood.

Nancy Early, 5220 High Point Road, High Point Civic Association, stated that the amendment is good. She requested that the protection for the Meadowbrook neighborhood and Windsor Park Place neighborhood continue in the land use plan. These are single family homes. She stated that she is not comfortable agreeing to the architectural specifications and they would like to have some input.

Mark Sampl, 130 Stewart Drive, stated that the land use plan proposed by the Citizen's Advisory Committee has far too much density for the infrastructure Sandy Springs offers such as roads and traffic capabilities. He requested that the neighborhoods be protected and the density along Roswell Road be reduced.

Ron Meinzen, 4635 Mystic Drive, stated that he likes the living/working neighborhood except the policy that allows more density in exchange for some items. This is open ended.

Motion and Second: Councilmember Meinzen McEnery moved to deny the recommendation of the Citizen's Advisory Committee recommendation and approve the Planning Commission's recommendation that this area return to live work neighborhood with the following proviso: Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties comprising a minimum of 5 acres or more. The approval of bonuses will be based on the merits of the project relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to: 1. Providing significant greenspace that exceeds the minimums established in Table 1.5; 2. The elimination of multiple curb cuts along Roswell Road; 3. The use of more neighborhood-scale architecture and design in accordance with new urbanism principles. The following neighborhoods shall be added to the protected neighborhood status and delete them from the current live work community map: Windsor Place, Jolyn, the single family properties to the east of the Walgreen's site, three single family homes on Hedden, and Windsor Park Place. Councilmember DeJulio seconded the motion.

Mayor Galambos stated that the Citizen's Advisory Committee recommendation deals with Roswell Road from Belle Isle south. This amendment refers to Glenridge. Assistant Director of Planning and Zoning Zehner stated that it is the Roswell Road Node south of Glenridge.

Councilmember Greenspan questioned if this amendment is a policy which could be attached to other areas in the city. City Attorney Willard stated that this could be a policy. Assistant Director of Planning and Zoning Zehner stated that the intent was to adopt a policy specifically for south of Glenridge. However, Council has been interested in adopting a similar policy throughout the city, mainly along Roswell Road and commercial areas. This could be adopted as a general policy. He suggested making it a separate motion and adopting this section of policy into page 115. A separate policy could be considered to apply elsewhere in the city where a separate, distinct policy is already in place.

Discussion followed regarding the placement of this policy.

Assistant Director of Planning and Zoning Zehner explained that this was intended to allow the Council a trigger to push design guidelines in the future if desired.

Vote: The motion carried unanimously.

Area 46, Glenridge South of Hammond

Motion: Councilmember DeJulio moved to deny the recommendation of the Citizen's Advisory Committee and keep the designation of this area at Residential 3-5. The motion failed for lack of a second.

Motion and Second: Councilmember Paul moved to approve the Citizen's Advisory Committee recommendation with the stipulation that the Planning Department maintain the density at 5 units per acre. Councilmember DeJulio seconded the motion for discussion. Councilmember Paul stated that there has been an overwhelming recommendation by the Planning Commission and the Citizen's Advisory Committee to amend the Council's recommendation. He stated that his motion is a fair compromise.

Discussion on the Motion: Councilmember Jenkins stated that she is not comfortable with a classification with a limit. City Attorney Willard stated that this plan is a guide to direct staff and developers.

Councilmember Fries stated that the protected neighborhood to the rear of this area would have additional transition to protect them from the 5 to 8 units per acre.

Councilmember Meinzen McEnery stated that the designation of 5 to 8 units per acre is not technically townhomes. Assistant Director of Planning and Zoning Zehner stated that he could not comment without specific plans. He stated that 8 units per acre would most likely be some type of attached development.

Councilmember Meinzen McEnery stated that she had the Public Works Department review the 2005 GDOT Level of Service study on this stretch of Glenridge Road and found that this section of Glenridge is in excess of 25,000 trips per day. The number of trips on that road is adversely affecting the ability for that property to continue as single family homes past the density level of 1-2 units per acre. She agrees with the 5-8 designation.

Vote: The motion failed 2-4 with Councilmember Greenspan, Councilmember Fries, Councilmember Jenkins and Councilmember Meinzen McEnery voting in opposition.

Motion and Vote: Councilmember Jenkins moved that this area remain at Residential 5-8 units per acre. Councilmember Meinzen McEnery seconded the motion. The motion carried 4-2 with Councilmember Paul and Councilmember DeJulio voting in opposition.

Area 38-East side of Roswell Road including Green Hill Road and Green Hill Place

Assistant Director of Planning and Zoning Zehner stated that the property is currently designated at Living/Working Neighborhood along Roswell Road frontage and Residential 3-5 units per acre. Citizen's Advisory Committee denied the change to Living/Working Community.

Matthew Stevens, 5270 Green Hill Place, explained that this is no longer a viable neighborhood. He requested that this area be designated as Residential 5-8 units per acre.

Anne Garvey, 255 Green Hill Road, stated that the Planning Commission recommended to rezone Area 38 to 5 to 8 units per acre. The Citizen's Advisory Committee was divided on the issue and Area 38 stands zoned as 3 to 5 units per acre. This is out of touch with similar developments in the area. Surrounding areas have been designated as 5-8 units per acre. She requested that the Council confirm the Planning Commission's recommendation of 5-8 units per acre.

Michael Hill, 275 Green Hill Road, stated that Planning and Zoning professionals have historically recognized the appropriateness of higher density for this node. He stated that all surrounding development is denser than their development with the exception of the Wells'. The other issue is that if this area can be consideration as some type of assemblage, then it is more likely to get a better kind of development.

Councilmember DeJulio stated that about a year ago, the Donner property was up for rezoning and the property owners in this neighborhood stated that they did not want any access through their property because this is a viable neighborhood. Now the neighborhood is saying it is not viable. He stated that this is a nice neighborhood.

Michael Hill, 275 Green Hill Road, responded to Councilmember DeJulio's comments.

Gail Bowman, 290 Green Hill Road, explained that Tom Lowe, in a meeting with the developer, granted him 24 months of construction traffic through their neighborhood. She stated that they were then left with homes with 24 months of construction traffic.

Mark Sampl, 130 Stewart Drive, stated that he lives across the street from this property. He stated that he disagrees that this property is not viable. He explained that Stewart Drive is surrounded on three sides by commercial and apartments. It is very similar to what is on Green Hill. He stated that the properties have a high price tag which is why they consider them to be not viable. He requested that this property remain at its current density.

Brad Keshlear, 235 Beachland Drive, stated that area 38 is more than just Green Hill Place. The property has been before many Boards for higher density and it has been agreed upon and determined that 3 to 5 was adequate. The Citizen's Advisory Committee feels it should remain at the existing density. He requested that it remain live work neighborhood along Roswell Road and Residential 3-5 along Green Hill.

Claire Danielson, 270 Beachland Drive, expressed opposition for higher density for the Green Hill neighborhood.

Kathy Wright, 260 Beachland Drive, stated that this neighborhood has fought this every time and it has been denied. She requested that it be denied again and remain Live Work Neighborhood and Residential 3-5.

Councilmember Fries stated that she does not feel like the Green Hill neighborhood had been misleading.

Motion and Second: Councilmember DeJulio moved that the Green Hill properties remain at Residential 3-5 and the property along Roswell Road be designated as Live Work Neighborhood. Councilmember Meinzen McEnery seconded the motion.

Discussion on the motion: Councilmember Meinzen McEnery stated that there needs to be appropriate transition from the townhomes to the north. She stated that the Council should follow the recommendation of the Citizen's Advisory Committee and the Planning Commission.

Councilmember Jenkins stated that she did not agree with the Residential 3-5 designation for Green Hill. She stated that the City is trying to encourage the assemblage of all these properties for redevelopment purposes. She would be in favor of Live Work Neighborhood for the entire area but not Residential 3-5.

Councilmember Greenspan stated that he concurs with Councilmember Jenkins. He stated that he would support a Residential 5-8 designation with the 5 acre policy or Live Work Neighborhood. This is not a zoning discussion but a vision discussion.

Councilmember DeJulio stated that he could support the entire area being Live Work Neighborhood with a 5 acre bonus.

Councilmember Meinzen McEnery stated that adding Live Work Neighborhood into the residential area will cause traffic problems. She further stated that there are land use assemblage policies that would encourage the assemblage of this property. She stated that she could go to Residential 5-8 but certainly not Live Work Neighborhood.

Substitute Motion and Vote: Councilmember Fries offered a substitute motion to designate the entire area as Live Work Neighborhood with the 5 acre bonus. Councilmember Jenkins seconded the motion. The motion carried 5-1 with Councilmember Karen Meinzen McEnery voting in opposition.

Area 14, Subdivision east of Dalrymple Road

Motion and Vote: Councilmember Paul moved that this area be designated as Residential 0-1 units per acre to reflect what is currently there. Councilmember Fries seconded the motion. The motion carried unanimously.

Area 34, Property abutting Interstate 285 on the south side from Living Working Regional classification on the west, to Glenridge Drive on the east.

Assistant Director of Planning and Zoning Zehner stated that area 34 is the area abutting Interstate 285 on the south side, on the east side of Roswell Road, and the north side of Glenridge Drive. He stated that this area is currently Living Working Neighborhood, Residential 2-3, and Living Working Community. The recommendation of the Citizen's Advisory Committee is to designate this area as Living Working Regional. This includes Sherrill Drive and Colton Drive. The Planning Commission recommended approval for the Crawford property to be maintained at Living Working Community. The townhomes being developed next door were indicated to be Residential 8-12 units per acre. The Cingular property was indicated to be Office. The remaining properties around Colton and Sherrill Drive were indicated to be various levels of single family 2-3, 3-5, 5-8.

Mayor Galambos questioned if this acceptable by the High Point Civic Association.

Unidentified Speaker, stated that two single family residential neighborhoods are represented. They requested that Benton Woods Subdivision be maintained as a protected neighborhood. The Colton and Sherrill neighborhood is represented. The High Point Civic Association has no problem with increasing the density on Colton and Sherrill. There are difficult traffic issues on Glenridge.

Bob Beavers, 5535 Windy Ridge Drive, stated that his concern is primarily traffic. As soon as the Home Depot, Publix, and Target are built and occupied and the John Williams Homes are built and occupied, the traffic along this two lane road is going to be very bad. He stated that he would not be opposed to Live Work Community.

Alan Powell, 5645 Colton Drive, stated that they have lived with the fact that Fulton County spot zoned their neighborhood. They were a neighborhood and now they are two streets. There have been two narcotics drug busts on the streets in the last two years. One of the homes is now a burned out shell. They are surrounded by O-I, apartments and townhomes. The best use of this area is not single family homes. He requested a Live Work Community designation without a component of retail and no interparcel access.

Marc Woodward, 5635 Colton Drive, stated that he agrees with Mr. Powell. He requested a higher density that would allow it to be better utilized.

Daniel Hobbs, 5063 Colton Drive, stated that his property has been damaged from the construction surrounding his property. He stated that the only viable thing for this area would be a higher density.

Assistant Director of Planning and Zoning Zehner reviewed the Planning Commission recommendation. He stated that they recommended that properties on Sherrill Drive and Colton Drive remain designated at Residential 2-3, Residential 5-8, and Residential 8-12, not Living Working Regional. The Cingular property should be designated as Office, not Living Working Regional. The Madison Townhomes property should be designated as Residential 8-12, not Living Working Regional. The Crawford property should be designated as Living Working Community, not Living Working Regional.

Assistant Director of Planning and Zoning Zehner displayed the properties on the map.

Councilmember DeJulio questioned what type of designation could be used to prevent retail and interparcel access. Councilmember Meinzen McEnery suggested that it be designated as Townhomes 8-12.

Motion and Second: Councilmember Meinzen McEnery moved to designate Sherrill Drive and Colton Drive be designated as Residential 8-12 units per acre; the Cingular property be designated as Office; the John Williams development be designated as Residential 8-12; the Crawford property be designated as Living Working Community. Councilmember Fries seconded the motion.

Discussion on the Motion: Councilmember Greenspan questioned if impact fees could be used to relieve traffic on Glenridge. Mayor Galambos stated that the impact fees could be used for that purpose.

Unidentified Speaker, stated there is a large increase in density behind Benton Woods they are concerned about.

Amendment to the Motion: Councilmember Meinzen McEnery amended her motion so that the area recommended to be Living Working Regional be designated as Living Working Community. Councilmember Fries accepted the amendment.

Vote: The motion carried unanimously.

Area 45 Glenridge-Hammond and Mt. Vernon Woods neighborhoods

Unidentified Speaker, stated that the proposed designation does not match what is on the ground. Mayor Galambos stated that they had requested that staff review this to determine to what extent it reflects what is on the ground. She stated that the review found that less than half would conform with the proposed designation.

Unidentified Speaker, stated that the densities of 1 to 2 reflect what is on the ground. Higher density would cause assemblages which would deteriorate the community.

Bruce McLane, Mt. Vernon Woods, 519 Carriage Drive, stated that changing the Land Use Designation in the Glenridge-Hammond and Mt. Vernon area from Residential 2-3 to Residential 1-2 is a good idea. He stated that the zoning is R-3. He stated that the designation of Residential 1-2 is a good way to protect the neighborhood.

Assistant Director of Planning and Zoning Zehner stated that there are 465 parcels in the Glenridge and Hammond Subdivisions. The density for the subdivisions is 1.83 units per acre. The average lot size is 23,754 square feet. Of those 465 parcels, only 109 exceed the 27,000 square foot limit or minimum of the R-2a zoning district. In the Vernon Woods subdivision, there are 262 parcels. There is a density of 1.47 units per acre. The average lot size is 29,651 square feet. There are only 125 of the 262 parcels that are over 27,000 square feet.

He stated that the reason many are zoned R-3 is because of the lot width. Most of the properties meet or are less than the minimum lot width required by the R-3 zoning district. By designating this as Residential 1-2, the residents feel this would protect the neighborhood against redevelopment in the neighborhood. The current zoning does allow for increased density. With a higher density designation, someone could assemble properties and achieve a higher density without having to rezone. The Citizen's Advisory Committee recommended changing these properties from 2-3 to 1-2.

Motion and Second: Councilmember Jenkins moved to maintain the designation of Residential 2-3 for area 45. Councilmember Fries seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnery stated that her neighborhood is on the west side of Roswell Road and is also R-3. The Land Use Plan designates it as Residential 1-2. Sometimes large areas of the community were mass rezoned to R-3. The average lot size is 35,000 square feet. This protects what is on the ground. Assemblages are a threat to the neighborhood and to the density. The Citizen's Advisory Committee and the Planning Commission supported protecting these neighborhoods.

Councilmember DeJulio questioned what the minimum size lot would be at a designation of Residential 1-2. Mr. Zehner explained that the present zoning of R-3 results in a density of 2.42 units per acre. The Land Use designation of Residential 1-2 would not preclude someone from removing one house and rebuilding another house.

Vote: The motion carried 4-2 with Councilmember DeJulio and Councilmember Meinzen McEnery voting in opposition.

Motion and Vote: Councilmember Paul moved to table the current item on the agenda. Councilmember Greenspan seconded the motion. The motion carried unanimously.

RC-07-01SS-5780 Winterthur Lane, applicant: Mrs. Judy Kogon

Assistant Director of Planning and Zoning Zehner stated that the owners of the property propose the addition of a banquet room and deck to the existing single family home located at 5780 Winterthur Lane. The application has been reviewed by the Atlanta Regional Commission and meets their approval. Staff recommends approval.

Mayor Galambos called for public comments.

Marty Kogon, 5780 Winterthur Lane, explained that they want to build a room so that they can hold Passover.

Motion and Vote: Councilmember Paul moved to approve the Metropolitan River Protection Act Certificate for property located at 5780 Winterthur Lane. Councilmember Jenkins seconded the motion. The motion carried unanimously.

RZ07-011/CV07-012-347 Carpenter Drive, Applicant: Second Church of Christ Scientist, To rezone from C-1 conditional to C-1 to allow for a church in the existing building, with concurrent variances.

Assistant Director of Planning and Zoning Zehner stated that RZ07-011/CV07-012 is a petition for property located at 347 Carpenter Drive. The petitioner is Second Church of Christ Scientist, represented by Pete Hendricks. The application is requesting to rezone the property from C-1 conditional to C-1 to allow for a church in the existing building. In addition, there are three concurrent variances to reduce the buffer and landscape strip to accommodate the existing structure, to delete the Sandy Springs Overlay District streetscape requirements along property frontages. The Design Review Board supported the removal of the streetscape requirements along the frontages. Staff recommends approval of the application and three concurrent variances. The Planning Commission recommended approval requiring the streetscape be installed along the frontages.

Pete Hendricks, 6085 Lake Forrest Drive, Atlanta, stated that the applicant is going through a rezoning for one reason. If the applicant did not have to go through the rezoning process, the level of work being done would not have triggered the streetscape. He explained that there is a very mature line of trees that the applicant will have to take out. The buildings across the street provide sidewalks to Roswell Road. The use they are proposing is a permitted use under C-1.

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

Motion: Councilmember DeJulio moved to approve an Ordinance to rezone property located at 347 Carpenter Drive from C-1 conditional to C-1 to allow for a church in the existing building, 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. Commercial and associated accessory uses in the existing structure at a density of 7,418.76 square feet per acre or 3,242 square feet, whichever is less. The following uses permitted under the C-1 (Commercial District) zoning classification are prohibited: Amusements, Indoor; Apartments, Above or Behind Commercial and Office uses in the Same Building; Automotive Parking Lots; Automotive Specialty Shops; Catering, Carry-out and Delivery; Clinics; Convalescent Center/Nursing/Hospice; Day Care Facilities; Delicatessens; Financial Establishments; Garage, Automobile Repair except painting, body repair and overhaul of major components; Group Residences; Gymnasiums; Hotels; Health Club/Spa; Laundromats; Landscaping Business, Garden Center; Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced; Motels; Parking Garages/Decks; Parking Lots; Personal Care Homes; Plant Nurseries; Printing Shops, Convenience; Repair Shops not involving any manufacturing on the site; Research Laboratories; Restaurants; Retail Stores or Shops; School of Business, Dance, Music or similar schools; Service Stations except that

repair and service offerings shall not include painting, body repair nor overhaul of major components, and no portion of the site shall be used for the display of cars for sale; Stadiums; Theaters; Recycling Centers, Collecting.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated March 27, 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. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Carpenter Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Mountain Creek Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the south property line adjacent to residentially zoned property to a ten (10) foot landscape strip (CV07-012).
 - d. To change the required fifty (50) foot buffer and ten (10) foot improvement setback along the west property line adjacent to residentially zoned property to a ten (10) foot landscape strip (CV07-012).
 - e. To delete the Sandy Springs Overlay District streetscape requirements along the Mountain Creek Road frontage of the subject property (CV07-012).

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

Motion and Vote: Councilmember Paul moved to bring the Land Use Plan off the table. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Town Center Area

Frank Delzer, 640 Valley Hall Drive, stated that he owns property on Carpenter Drive. It is not in the node and there is no incentive to redevelop the property.

Assistant Director of Planning and Zoning Zehner stated that his property is in the Town Center. The incentive is that the property is 20 units per acre residential, plus over 25,000 square feet of office and commercial.

Frank Delzer, 640 Valley Hall Drive, stated that Highland Springs Apartments is currently about 20 units per acre. The proposed Land Use Map designates it as Residential 0-1. This seems crazy.

Assistant Director of Planning and Zoning Zehner stated that the property on Northwood is currently designated at 1-2 units per acre. The Land Use Plan was indicated to be changed to 0-1 units per acre. However, it is shown as a denial. The property should be designated as 1-2 units per acre. It is developed as an apartment complex.

He stated that the property on Carpenter Drive is presently designated as Living Working Community. The proposed plan reflects it to be in the Town Center node.

Community Development Director Nancy Leathers stated that there are two properties on Northwood. One is the single family residence that faces onto Lake Forrest Drive. The other is the condo development which is multi-family. This map shows both of them as single family.

Mayor Galambos stated that Council needs to find a new designation for the condo development. Councilmember Meinzen McEnery suggested that Mr. Delzer's property be designated as Live Work Neighborhood to provide transition.

Assistant Director of Planning and Zoning Zehner stated that this may be trying to solve a problem that staff has no direct knowledge about. This can be done prior to adoption in October or November. The property owner can meet with staff so that staff can make a reasonable proposal. There was a consensus that this would remain as 2-3 units per acre.

Motion and Vote: Councilmember Fries moved to accept the Comprehensive Land Use Plan as amended. Councilmember Paul seconded the motion. The motion passed unanimously.

Motion and Vote: Councilmember Fries moved to amend the Dunwoody Place node by establishing a 15 story height limit and change the 15% open space to a minimum of 25% greenspace and 5% open space. Councilmember Paul seconded the motion. The motion carried unanimously.

Mayor Galambos stated that the Council had previously discussed a height limit of 6 stories with the five acre policy.

Motion: Councilmember Paul moved to approve the Town Center specifications as follows with the amendment that the northern boundary be Cromwell.

1. Boundaries:
 - a. North – Cromwell Road
 - b. South - Cliftwood Drive and Carpenter Drive
 - c. East - Boylston Drive
 - d. West – Sandy Springs Circle
2. The Sandy Springs Town Center shall be established as a separate and distinct area of the city and shall be developed as the “heart”, marketplace and cultural center serving its residents shopping, dining, socializing and entertainment needs. It shall be mixed-use, include a sense of place that defines the city and the community, and be designed to a human scale, through building design and the use of green and public spaces. It shall have a “village-like” atmosphere (Sense of Place QCO).
3. Automobile-related facilities and services are not appropriate in Town Center redevelopment areas because they do not facilitate pedestrian friendly design, and thus, new highway business uses are discouraged in such areas.
4. Where an extension of the grid street system is illustrated on studies or plans for the Town Center redevelopment area or on the future land use plan map, development should incorporate the proposed grid-pattern street extension with small block patterns and emphasize connectivity to existing city streets.
5. To encourage pedestrian activity, the Town Center should emphasize contiguous store frontages to add visual interest to the city's central marketplace.
6. The following guidelines shall highlight the growth and development of the Town Center:
 - a. While the development of a mixed-use area is encouraged, individual projects do not have to be mixed-use.

- b. Regulations should discourage the creation of a “canyon effect” in the Town Center.
 - c. Heights and architectural elements shall be varied.
 - d. Retail uses are essential to maintaining pedestrian activity; therefore, the development of ground floor retail uses shall be strongly encouraged along Roswell Road, Hildebrand Drive, Sandy Springs Circle and Hammond Drive.
 - e. Interparcel connectivity shall also be encouraged.
 - f. Building heights shall be limited to 6 stories; however additional height may be approved consistent with the Town Center assemblage policy described below.
7. Development of the Town Center area is recommended at the following levels:
- a. Maximum residential density: greater than 20 units/acre.
 - b. Maximum commercial density: greater than 25,000 sq. ft./acre.
 - c. Minimum open/green space (and shall not include parking lots): 15%.
 - d. Largest single retail tenant: 30,000 sq. ft. or less.
8. Town Center assemblage policy:
- a. Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties consisting of a minimum of five (5) or more acres. The approval of bonuses will be based on the merits of the project relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to:
 1. Providing significant green space or public space.
 2. Providing uses that contribute to the public good such as museums, art galleries, public art, art galleries, and theatres.
 3. Providing shared parking to other properties in the area or encouraging/requiring employees to participate in alternative transportation options.
 4. Provide for the relocation of utilities underground or at the rear of new developments resulting from assemblage.
9. Town Center transition policy:
- a. Development on the borders of the Town Center shall accommodate an appropriate transition to less intense development outside the area. Appropriate forms of transition shall include, but not be limited to:
 - b. Utilizing less intense uses
 - c. Building heights, bulk, and architecture compatible with nearby developments
 - d. The use of green space and possible linear or pocket parks.

Second: Councilmember Fries seconded the motion.

Assistant Director of Planning and Zoning Zehner stated that the boundaries are Sandy Springs Circle on the north to Cliffwood and Carpenter on the south. The west boundary is Sandy Springs Circle. The east boundary is Boylston.

Councilmember DeJulio stated that he thought the boundary had been moved to Cromwell. Community Development Director Leathers stated that the Citizen's Advisory Committee had extensive discussion regarding this and there was a consensus to concentrate the area and focus the redevelopment into a more contained area.

Vote: The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner explained the proposed amendments of the Planning Commission. He stated that Amendment No. 1 is Policies Regarding Housing Affordability.

He stated that Amendment No. 2 is Water Quality and Water Resources Objectives #2. The Commission recommends that permeable sidewalks, in addition to permeable parking lots, be encouraged to assist in achieving water quality objectives.

Motion and Second: Councilmember Meinzen McEnery moved to accept amendment number 2 adding the words "if feasible". Councilmember Fries seconded the motion.

Discussion on the Motion: Discussion followed as to what would make it feasible. Assistant Director of Planning and Zoning Zehner stated that this is a policy and can be decided on a case by case basis.

Vote: The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner stated that Amendment No. 3 is General Natural Resources #13. The Commission recommends that the second sentence of this policy regarding the discontinuance of the piping of streams be deleted. Mr. Zehner explained that he understood it to mean there would be no new piping. Staff would support changing the wording.

Motion and Second: Councilmember Paul moved that this be amended to read "No additional piping of streams be permitted". Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnery stated that because of the greenspace incentives, if someone decides they want to un-pipe a stream, the additional buffer that is created can be counted toward their greenspace.

Call the Question: Councilmember Fries moved to call the question. Councilmember Greenspan seconded the motion. The motion carried unanimously.

Vote: The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner stated that Amendment No. 4 is Redevelopment Policies #3. The Commission recommends that bonuses, including density and height bonuses, be included in addition to incentives to promote redevelopment along the Roswell Road corridor.

Motion and Vote: Councilmember Paul moved to accept the Planning Commission's recommendation that bonuses, including density and height bonuses, be included in addition to incentives to promote redevelopment along the Roswell Road corridor. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner stated that Amendment No. 5 is Land Use Policies-Living Working Areas #2. The Commission recommends deletion of the following portion of the policy: “, which match identified housing needs,” due to concerns regarding clarity as to what group or organization defines these needs.

Motion and Vote: Councilmember Fries moved to approve Amendment No. 5, the deletion of the following portion of the Land Use Policies-Living Work Areas #2 “, which match identified housing needs,”. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Assistant Director of Planning and Zoning Zehner stated that Amendment Nos. 7-11 have been addressed.

Motion and Second: Councilmember Fries moved to allow staff the flexibility to ensure that the text of the Plan corresponds with the approved Map and to allow staff to make changes where necessary recognizing that the Council will see the document again before final approval and adoption. Councilmember DeJulio seconded the motion.

Discussion on the motion: Councilmember Meinzen McEnery questioned if this meant that the map controls the text. Councilmember Fries stated that is correct.

Vote: The motion carried unanimously.

Councilmember Jenkins thanked Michael Zehner, Vann McNeill, and Nancy Leathers for all their work.

Public Comment

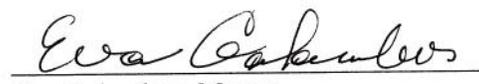
There were no public comments.

Adjournment

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Meinzen McEnery seconded the motion. After no further discussion, the meeting adjourned at 10:50 p.m.

Date Approved: July 17, 2007


Christina V. Rowland, City Clerk


Eva Galambos, Mayor