

Regular Meeting of the Sandy Springs City Council was held on Tuesday, April 15, 2014, at 6:00 p.m., Mayor Rusty Paul presiding

INVOCATION

Tom Van Laningham, Care & Counseling Center of Georgia, offered the invocation.

CALL TO ORDER

Mayor Paul called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman Paulson moved to approve the Regular Meeting agenda for April 15, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 14-071)

1. Meeting Minutes:
 - a) April 1, 2014 Regular Meeting
 - b) April 1, 2014 Work Session

(Michael Casey, City Clerk)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for April 15, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

Rezoning

(Agenda Item No. 14-072)

1. **201400049** - 5901-5909 Peachtree Dunwoody Road, *Applicant: Shorenstein Realty, LLC*, to rezone from MIX (Mixed Use District) to MIX (Mixed Use District), with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property from Mixed Use conditional to Mixed Use. Staff is recommending approval conditional of the rezoning use permit and concurrent variance request. The petition was heard at the March 20th Planning Commission meeting and the Commission recommended approval as well.

Harold Buckley, representative of the applicant, stated this property was approved for mixed use zoning in 2007. Subsequent to that time period, the previous owner sold the property to Shorenstein Realty. Shorenstein Realty has determined the approved mixed use development plan is not financially feasible, because it is heavily weighted with proposed office space. This request is to replace the proposed additional office space with additional multi-family residential units.

Councilman John Paulson stated Council received an email today regarding the number of one, two, and three bedroom apartment units that are being proposed. He asked if that is part of this application.

Mr. Buckley stated when he spoke to staff those percentages were target numbers. The applicant will go with the prevailing market standards. The site plan shows a mix of 60% 1 bedroom and 40% 2 bedroom units. The applicant is not committed to that particular unit mix. This was done to have a number in order to calculate the parking requirement. The email sent to Council today has the current target numbers.

Councilman Gabriel Sterling asked if there are variations that are allowed to the percentages compared to what is approved by Council tonight.

Manager of Planning and Zoning Dickerson stated the conditions do not have percentages for the units. If Council wants to specify that, it needs to be added to the conditions.

Councilman Graham McDonald stated he has not had the opportunity to see the email being discussed.

Mr. Buckley stated the email sent out today includes 55% 1 bedroom, 30% two bedroom, and 15% three bedroom units. That is slightly different than the 60% 1 bedroom and 40% 2 bedroom units that was in the initial submittal. If the applicant wanted to increase the number of units, that request would need to be brought back to Council in the form of a zoning modification.

Councilman Sterling asked if the percentage change of the number of bedrooms is part of the application.

Manager of Planning and Zoning Dickerson stated the bedroom numbers were required to be provided with the application in order for staff to calculate the required parking spaces. Once the applicant applies for the development permit, staff will reanalyze the number of bedrooms for the parking, but not the total number of units. If Council wishes to break down the numbers by the specific bedroom types, that needs to be included in the conditions.

Councilman Sterling stated regarding the City Code requirements on parking; the parking number can be permitted 10% one way or the other administratively.

Manager of Planning and Zoning Dickerson stated an administrative variance is allowed for a 10% parking reduction. There is no maximum number for the parking requirement.

Mr. Buckley stated the plan has 645 units for the project.

City Attorney Wendell Willard stated Council can add a condition stating that the number of bedrooms cannot exceed a particular number.

Councilman Ken Dishman asked if there is a maximum square footage.

Mr. Buckley stated there is a minimum square footage 600 square feet per unit.

Councilman Dishman stated the plan could end up being 645 three bedroom units, which would have a different traffic impact.

Councilman Sterling stated the proposed residential project would be a downzoning compared to the current approved office use.

Mr. Buckley stated when looking at the traffic counts the current development generates more trips than the proposed development.

Mayor Rusty Paul called for public comments in support of the application.

Trisha Thompson, 145 River North Drive, stated she represents the Sandy Springs Council of Neighborhoods. She is in favor of this application. This area is where Council has asked for density, height, and people to be. The apartments will be across from the new State Farm complex. The applicant has worked diligently with City staff on the application and also with the City of Dunwoody and the PCID to have connectivity. This is fantastic and is supported by the Council of Neighborhoods.

Mayor Paul called for public comments in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Councilman Tibby DeJulio asked if there is a big demand for three bedroom units.

Mr. Buckley stated there has not been an extensive study of the demand for three bedroom units in particular. There are studies that support the 645 total units.

Councilman DeJulio asked when the project will start.

Mr. Buckley stated he does not know the anticipated start date.

Councilman DeJulio asked what happens if there is an increase in demand for office space.

Mr. Buckley stated the applicant is not seeing this demand currently, and the projections do not show a significant demand for a very long time.

Councilman DeJulio asked if the applicant will build the apartments and leave the rest of the property as is.

Mr. Buckley stated he is not sure about that. The applicant is proposing multi-family residential units, street level retail, and a hotel. Those sectors are showing vibrancy in the market. The office component is problematic and that is why the applicant is asking to have it removed from the plan. The existing office space would remain. The proposed additional office space is what the applicant is asking to remove from the plan.

Mayor Paul stated with the 60/40 mix there would be slightly less than 800 bedrooms total.

Councilman Andy Bauman stated the numbers he came up with are 1,032 bedrooms based on the email. The proposal would be 355 one bedroom units, 193 two bedroom units, and 97 three bedroom units.

Mr. Buckley stated there will be 903 bedrooms with a 60/40 split.

Councilman Bauman asked to hear about the traffic.

Mark Kilby, representative of Kimley-Horn, stated there was a DRI study done based on the original zoning conditions. His company looked at the traffic with the proposed rezoning, which is a downzoning from a traffic standpoint. Less traffic will occur from the proposed rezoning than would have occurred with the previous rezoning with the office component. There will be at least five to ten percent less traffic with the proposed zoning. The traffic count took into account the existing office space that will remain as well as the additional residential, hotel, and retail.

Councilman DeJulio asked at what level of service the current traffic is rated.

Mr. Kilby stated the traffic at the intersection of Peachtree Dunwoody and Hammond Drive is currently at a D or E level of service. The improvements would bring a level of service up to at least a D. The traffic study took into account the proposed projects in place at that time. The conditions of this application came from the DRI study. Staff has added those conditions as part of this application. There will not be improvements on the I-285 ramp itself, but there will be a new lane from the ramp to the main entrance.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-072, 201400049 - 5901-5909 Peachtree Dunwoody Road, *Applicant: Shorenstein Realty, LLC*, to rezone from MIX (Mixed Use District) to MIX (Mixed Use District), with concurrent variances, and with staff conditions. Councilman Bauman seconded the motion.

Councilman Sterling stated the 645 units may be multiple bedrooms. The 15% at three bedrooms may be too high of a number and he would prefer a lower number.

Councilman Bauman stated there should be some constraint to the number of bedrooms for the project.

Friendly Amendment to the Motion: Councilman Sterling offered a friendly amendment to the motion to add a condition to the zoning setting the maximum number of three bedroom units at 10%. Councilman Paulson did not accept the friendly amendment to the motion.

Councilman Paulson stated when Council chooses how many units are allowed, it intrudes on how the applicant wants to conduct his business. He agrees with setting a maximum number of bedrooms.

Restated Friendly Amendment to the Motion: Councilman Sterling offered a friendly amendment to the motion to add a condition to the zoning setting the maximum number of bedrooms for the project at 1,000. Councilman Paulson accepted the friendly amendment to the motion.

Councilman Bauman stated one of the developments on Hammond Drive was sold before it was built. The other development on the south side of Hammond Drive will sell before anyone takes occupancy. The larger number of bedrooms does lead to roommate situations.

Staff conditions:

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

- a. Office and associated accessory uses at a density of 27,308.36 square feet per acre or 627,000 square feet, whichever is less.
 - b. Retail uses at a density of 2,177.70 square feet per acre or 50,000 square feet, whichever is less.
 - c. Residential uses at a density of 28.10 units per acre or 645 units, whichever is less. **Said property shall be limited to a maximum of 1,000 bedrooms.**
 - d. Hotel use at a density of 8.71 rooms per acre or 200 rooms, whichever is less.
 - e. To a maximum building height of 35 stories for the 200 unit multi-family/ 200 room hotel and 6 stories for the parking deck as shown on the site plan received by the Department of Community Development dated March 13, 2014.
 - f. To a maximum building height of 20 stories for the 260 unit multi-family building as shown on the site plan received by the Department of Community Development dated March 13, 2014.
 - g. To a maximum building height of 16 stories for the 165 unit multi-family building as shown on the site plan received by the Department of Community Development dated March 13, 2014.
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 13, 2014. 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. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
- a. The minimum design standards are:
 - Minimum front yard: 5 feet
 - Minimum side yard: 15 feet
 - Minimum rear yard: 0 feet
 - Minimum internal setback: 15 feet
 - Minimum landscaping and buffering between uses: 5 feet
 - Minimum heated floor area per dwelling unit: 600 square feet
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. No less than 20% of the site shall be maintained as open/green space.
 - d. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.
 - e. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and east. Should the owner/developer not come to an agreement on

interparcel access at this time with the property owners to the north or east, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the northern and eastern boundaries of the property, prior to the issuance of an LDP.

- f. The street between Peachtree Dunwoody Road and Road "C" along Road "A" shall be constructed with a stub end at the north property line.
- g. Road "A" shall be constructed so the back of curb is located no more than five (5) feet from the northern property line for the entire length of the road.
- h. Provide an additional left turn lane for northbound and southbound Peachtree-Dunwoody Road at Palisades' driveway/Concourse Parkway (creating dual left turn lanes). The median along Peachtree-Dunwoody shall be maintained at its existing width throughout the entire property frontage.
- i. Provide two receiving lanes eastbound along Palisades' driveway and westbound along Concourse Parkway at the intersection with Peachtree-Dunwoody Road.
- j. Provide westbound left turn lane along Palisades' driveway onto Peachtree-Dunwoody Road.
- k. Provide exclusive right turn lane for driveway #2 northbound along Peachtree-Dunwoody Road.
- l. Provide an exclusive northbound right turn lane along Peachtree-Dunwoody Road between the I-285 westbound off ramp and Palisades driveway. This lane shall be an additional channelized right turn lane off the I-285 westbound off ramp.
- m. Upgrade the signal at Peachtree-Dunwoody Road and Palisades' driveway/Concourse Parkway to accommodate the required geometric changes. All signal design and equipment must conform to the Perimeter Community Improvement District standards. All changes must be approved by the City of Sandy Springs Department of Public Works.
- n. Upgrade the signal at Peachtree-Dunwoody Road and the I-285 westbound off ramp to accommodate the required geometric changes. All signal design and equipment must conform to the Perimeter Community Improvement District standards. All changes must be approved by the City of Sandy Springs Department of Public Works and the Georgia Department of Public Works.
- o. To allow for an encroachment by the proposed Road "E" into the required ten (10) foot landscape strip along the east property line as shown on the site plan received by the Department of Community Development dated January 19, 2007 (CV201400049).
- p. Drive-thru restaurants shall be prohibited.
- q. To reduce the twenty (20) foot front landscape strip to five (5) foot to allow for the encroachments as shown on the site plan received by the Department of Community Development dated January 19, 2007 (CV201400049).

Vote on the Motion: The motion as amended carried 5-1, with Councilman DeJulio voting in opposition.

Ordinance No. 2014-04-08

(Agenda Item No. 14-073)

2. **201400050** - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a rezoning request to rezone the block to TR residential for an 88 unit residential development. Staff is recommending approval conditional of the rezoning request and concurrent variances. The Planning Commission also recommended approval at their March 20th meeting and allowing additional time for the applicant to work with staff on the streetscape requirements. Staff supports the deferral.

Nathan Hendricks, representative of the applicant, stated the applicant has been working with staff on the sidewalk and streetscape issues. During the last week J W Home staff have been out of the office and not able to complete the condition in a timely manner for this meeting. He asked for a thirty day deferral.

Mayor Rusty Paul called for public comments in support of the application.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman for Sandy Springs Council of Neighborhoods. She is not speaking in opposition to this project, but instead just voicing a concern. This application is for 88 units on a 14 acre site. This project started out by having an entrance on Lake Forrest Drive and an entrance on Allen Road. This plan now has only one entrance for 88 homes. This is a private gated road and the only entry point for a project of this size. She is concerned with public safety.

Mayor Paul called for public comments in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Councilman DeJulio moved to defer Agenda Item No. 14-073, 201400050 - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances, to the May 20, 2014 City Council meeting. Councilman Sterling seconded the motion.

Councilman John Paulson stated he assumes staff has already looked at the plan of one versus two entrances. He asked that staff review this issue again.

Councilman Graham McDonald stated he has had at least one constituent express concern about the parking situation on Allen Road. He asked staff to look into this and get him more information on the parking needs on Allen Road.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-074)

3. **201400094** - 6780 Roswell Road, *Applicant: Sandy Springs Plaza Investments, LLC*, to rezone from C-1 (Community Business District) to C-1 (community Business District), with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property from C-1 conditional to C-1 to allow an additional use that was previously prohibited; automobile leasing. Staff is recommending approval conditional of the rezoning request and concurrent variances. The Planning Commission recommended denial at their March 20th meeting.

Nathan Hendricks, representative of the applicant, stated in the original zoning the applicant agreed that U-Haul trucks were not to be sitting out in front of the self-storage. When the condition restricting that was included, it prohibited the leasing of vehicles. The applicant has been approached by Hertz about using some of the space for vehicle leasing. The request is to allow for the leasing of cars and light trucks only, with no more than fifteen spaces. The first two concurrent variances address existing conditions that are on the property. The two buildings on site for retail and office were originally intended to give a shield to block the view of the self-storage facility to the rear. The leased vehicles on the site will not be visible to the public. The existing tenants support the request for the small reduction in parking spaces. A traffic count and study was done to determine adequacy of parking. There is a shared parking agreement for the entire property.

Mayor Rusty Paul called for public comments in support of the application. There were no public comments. Mayor Paul called for public comments in opposition to the application.

Trisha Thompson, 145 River North Drive, stated she stood in opposition to this application before the Planning Commission representing the Sandy Springs Council of Neighborhoods. The Planning Commission voted unanimously to deny this application because of the use. There are tenants on the property that have agreed to this use of the property and that is worrisome. These tenants may not always be at this location, since tenants come and go. This application is not a hardship. At the Planning Commission she believes it was stated the project has 92% occupancy. This use is not necessary for the applicant's financial wellbeing. Councilmember Jenkins previously included that truck or vehicle parking not be allowed on this property. Marsh Creek is located behind this property, where these vehicles will be washed and which will cause water run off problems. There are already enough vehicle businesses on Roswell Road, so this request is not needed. She hopes that Council will support the Planning Commission and vote to deny this application.

Mr. Hendrix stated the parking variance requested is a combination of the tenants already on the property who would not be prejudiced of the approval. The parking count and shared parking agreement went into the analysis that staff made. The subject property is at about 84% occupancy. The business is performing well under 50% of the anticipated performance. The applicant has a unique opportunity with Hertz to be able to attract a national tenant. The rest of the tenants on the property are small, local tenants. The proposed tenant will be under a five year lease. This is a quiet, unobtrusive use. There is a drainage pipe and facility on the property to avoid surface water flow from the washing of vehicles. There were over 400 notices sent out to the local residents in the area for the community developer resolution meeting. There were a total of four people that attended the meeting. Most of those individuals were from Foxcroft Condominiums. The residents were concerned about the car washing and that no popup tents are placed on the property. All of the concerns were addressed.

Mayor Paul closed the public hearing.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-074, 201400094 - 6780 Roswell Road, *Applicant: Sandy Springs Plaza Investments, LLC*, to rezone from C-1 (Community Business District) to C-1 (community Business District), with concurrent variances, staff recommendations, and two additional conditions: 1) that no maintenance of vehicles on site be permitted 2) that no washing of vehicles occur between the hours of 6:00 p.m. – 7:00 a.m. Councilman Paulson seconded the motion.

Councilman Tibby DeJulio stated the condition includes cars and light trucks. The definition of light trucks may vary.

Manager of Planning and Zoning Dickerson stated staff's interpretation of "light trucks" is pickup trucks and maybe a 15 passenger van, but not a box truck for moving purposes.

Councilman Sterling stated the rental business will be located behind another building.

Councilman DeJulio stated he is concerned about the automotive activity already on Roswell Road. Council has tried to limit vehicular activity on Roswell Road. He asked if light trucks will be necessary.

Mr. Hendricks stated the applicant will agree to a condition that states, only passenger vehicles and SUV's.

Councilman Graham McDonald asked about the system on the property that will handle the washing of vehicles so as to not have an environmental impact.

Bruce Weiner, 6780 Roswell Road, stated he is the owner of the property. There is already a drain on the property that goes into the sewage system. There are many drains on the property, but the proposed business would only use one of the drains.

Councilman McDonald asked if more rental cars will be located at Classic Collision and this site will have a smaller number of cars.

Mr. Weiner responded he is not sure what Councilman McDonald is referencing, but there is a limit of 15 vehicles on the property. He decided on this number and then brought this number to staff.

Amendment to the Motion: Councilman Sterling amended his motion by adding a third condition: 3) only passenger vehicles and SUV's are allowed to be located on site.

Councilman Sterling stated if this location becomes a successful retail location, there would be more vehicles coming and going compared to if it is just a vehicle rental and drop off location.

Councilman Ken Dishman asked about the rationale for the unanimous vote by the Planning Commission to deny this item.

Manager of Planning and Zoning Dickerson stated the Planning Commission was concerned about the use. They felt the original intent for the use should be carried forward from the previous owner.

Councilman Dishman stated he is inclined to not support this application. His constituents have complained about the number of automotive uses that are already located on Roswell Road. He is not worried about future tenants. The applicant knew what he was getting when he moved forward with the project without automotive zoning.

Councilman Andy Bauman stated he is inclined to agree with Councilman Dishman. This rental company is not being restricted to Hertz and it could end up being a rent-a-dent. There should be less automotive use on Roswell Road instead of more. He does not see a compelling rationale to go against a unanimous recommendation of the Planning Commission.

Councilman Sterling stated if he recalls correctly, the Planning Commission was unanimously opposed to this use when it first came to Council and the Council voted to allow this use. The intent of the automotive use was about U-Haul trucks and the car issue was secondary. If Council agrees to the automotive use, the business will be hidden by a building that is already in place. Council should have some flexibility with the applicant, since the City made the applicant build the retail section in order to get the public storage in the back. He is trying to be business friendly while still being sensitive to the areas around the property.

Councilman John Paulson stated the proposed application will not be a significant change in the use of the property. If one looks into the parking lot, all you will see is extra cars, and that will be the extent of the impact. Council should be flexible when applicants are trying to make their businesses viable. He will support the application.

Vote on the Motion: The vote on the motion as amended was split 3-3 with Councilmen Paulson, Sterling, and DeJulio voting in favor of the motion and Councilmen Dishman, McDonald, and Bauman voting in opposition. The motion failed 4-3 with Mayor Paul voting in opposition to the motion to break the tie.

Zoning Modification

(Agenda Item No. 14-075)

4. **201400372** - 5965 Riverside Drive, *Applicant: Dr. Kayode Fasae*, to delete conditions 1.b and 3.c of Sandy Springs rezoning case RZ06-020 for the development of a single family residence

Manager of Planning and Zoning Patrice Dickerson stated this application is a zoning modification request to delete condition 1.b of RZ06-020, which requires a maximum heated floor area for a single family, and to delete condition 3c., which restricts driveway access to Riverside Drive. Staff is recommending approval conditional of the deletion of condition 1.b related to the house; and denial of the deletion of condition 3.c. related to access to Riverside Drive.

Dr. Kayode Fasae, stated the first part of his request is to delete condition 1.b of RZ06-020, which requires a maximum heated floor area for a single family home. The other part of the request is to delete condition 3c., which restricts driveway access to Riverside Drive. He would like another access from his property to Riverside Drive. The only entrance to his property is a public safety issue.

Mayor Rusty Paul called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Councilman Sterling moved to approve the first part of Agenda Item No. 14-075, 201400372 - 5965 Riverside Drive, *Applicant: Dr. Kayode Fasae*, a zoning modification to condition 1.b of Sandy Springs rezoning case RZ06-020 for the development of a single family residence, with staff conditions; and to deny the request for driveway access to Riverside Drive (condition 3.c.). Councilman Paulson seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. One (1) single family residential lot at a density of 0.90 units per acre.
 - ~~b. The maximum heated floor area per dwelling unit shall be 4,500 square feet.~~
 - c. The maximum building height shall be two (2) stories.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on ~~May 2, 2006~~ **February 6, 2014**. 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. The applicant shall be required to complete the concept review procedure prior to application for 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 30' of right-of-way to the City of Sandy Springs along entire property frontage along Riverside Drive.
 - b. The owner/developer shall dedicate 25' of right-of-way to the City of Sandy Springs along entire property frontage along Coldstream Court.

Councilman Graham McDonald stated he believes the petitioner explained there is evidence that a prior house on the property had a driveway that opened up to Riverside Drive.

Linda Abaray, Senior Planner, stated there is a chained off section of the property off Riverside Drive, but it looks to be overgrown with grass. She does not know if it was a driveway at one point.

Manager of Planning and Zoning Dickerson stated she believes the property has been in this condition since before the City was incorporated.

Councilman Gabriel Sterling stated the area where the applicant is asking for Riverside Drive access is where the roundabout will be near Heard's Ferry. He asked if this driveway location were used, could it cause more danger to the drivers.

Assistant City Manager Bryant Poole responded yes. The denial is related to safety issues and not so much the roundabout

Councilman John Paulson asked if there is a plat that shows the second driveway.

Manager of Planning and Zoning Dickerson stated she is not aware of any plats showing a second driveway.

Councilman McDonald stated he has sympathy for residents who want to enjoy their property on Riverside Drive and are dealing with the traffic on that road. He asked what the safety concerns are with reactivating a curb cut at this location.

Assistant City Manager Poole stated the safety concerns would not only be to the property owner, but also to those travelling on Riverside Drive, especially with it being so close to Heard's Ferry and I-285. There is the potential for rear end collisions.

Councilman Sterling asked if there are driveways in this section between Heard's Ferry and I-285.

Assistant City Manager Poole stated there is one.

Councilman Paul stated the property across the street has an entrance, but that is the only entrance.

Vote on the Motion: The motion carried 5-1, with Councilman McDonald voting in opposition.
Ordinance No. 2014-04-09

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-076)

1. Proposed amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance")

City Attorney Wendell Willard stated this item was discussed at the previous Work Session. The discussion was to make an amendment to the current ordinance dealing with alcohol licensing of persons for a pouring permit and the individuals who hold the liquor store license to make them compatible. A onetime misdemeanor will not be held against those individuals, so they can continue to have current permits.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-076, amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance"). Councilman Paulson seconded the motion.

Councilman Gabriel Sterling stated Section (f) includes ten years preceding the application and in Section (h) there is a five year period. He asked why these two time periods are different.

City Attorney Willard stated these dates have been in the City Code since the City's incorporation. There is a longer time required for individuals who are the owners of an establishment.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2014-04-10

(Agenda Item No. 14-077)

2. City Center Landscape Architectural Services Recommendation

Assistant City Manager Bryant Poole gave a PowerPoint presentation on the City Center Landscape Architectural Services Recommendation.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-077, the City Center Landscape Architectural Services Recommendation, authorizing the City Manager to negotiate with the selected firm a phased scope of work contract approach with the first phase negotiation not to exceed the City Manager's authority up to \$250,000. Councilman Dishman seconded the motion.

Councilman John Paulson asked about Jacobs Engineering estimating approximately half the cost of the other firms on the fee structure slide.

Assistant City Manager Poole stated the evaluation team did not ask Jacobs Engineering about specifics on their estimated costs.

City Manager John McDonough stated with a lot of the bids on Public Works projects there are a few in the 8% to 10% cost range and one that is significantly lower.

Assistant City Manager Poole stated Jacobs Engineering did not demonstrate to the evaluation team that they could reach the vision of what the City wants for this facility.

Vote on the Motion: The motion carried unanimously.

REPORTS

1. Mayor and Council Reports

Councilman Gabriel Sterling stated the Taste of Sandy Springs will be held on May 3rd.

Councilman John Paulson stated on April 26th the nonprofit organization Phoenix Patriot Foundation is holding their inaugural fundraiser in the City of Sandy Springs. The organization helps combat wounded veterans to reengage into civilian life.

2. Staff Reports

There were no staff reports.

PUBLIC COMMENT

There were no public comments.

Motion and Vote: Councilman DeJulio moved to recess the regular meeting to hear the Work Session agenda item. Councilman Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:33 p.m.

Motion and Vote: Councilman DeJulio moved to end the recess and resume the Regular Meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The recess ended at 7:39 p.m.

EXECUTIVE SESSION – Litigation and Real Estate

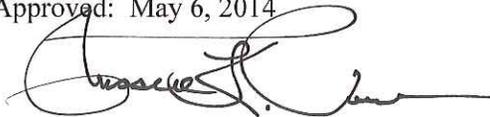
Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate matters with the City Manager, City Attorney, and Attorney Scott Bergthold included. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive Session began at 7:39 p.m.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Bauman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 8:23 p.m.

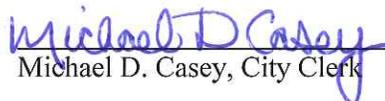
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:23 p.m.

Date Approved: May 6, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

April 15, 2014

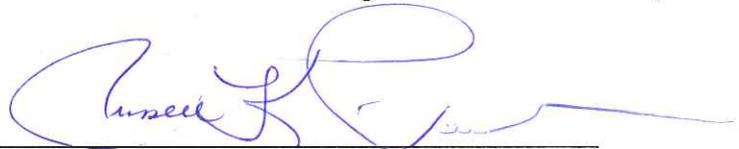
AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 15th day of April, 2014, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A, 50-14-3(b)(1);

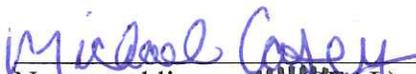
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

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



Russell K. Paul, Mayor

Sworn to and subscribed before me,
this 15th day of April, 2014.


Notary public

