

Regular Meeting of the Mayor and city Council of the City of Sandy Springs was held November 8, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Invocation

Dr. George Freeman, Senior Minister, North Springs United Methodist Church gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 7:00 PM.

Roll Call and General Announcements

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

Interim City Clerk Rowland introduced and welcomed the City of Sandy Springs Pages, Tyler McCormick, Griffin Davis, and Hayes Callaway from the Atlanta Academy.

Interim City Clerk Rowland called the roll.

Councilmembers present: Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, Councilmember DeJulio and Councilmember Rusty Paul.

Pledge of Allegiance

The Pledge of Allegiance was led by the City of Sandy Springs Pages, Tyler McCormick, Griffin Davis, and Hayes Callaway.

Approval of Meeting Agenda

Mayor Galambos questioned if there were any changes to the meeting to the meeting agenda.

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda as presented. Councilmember Paul seconded the motion. The motion passed unanimously.

Consent Agenda

1. Approval of Minutes:
 - a. October 3, 2006 Special Called Meeting Minutes
 - b. October 3, 2006 Regular Meeting Minutes
 - c. October 10, 2006 Work Session Meeting Minutes
2. City Acceptance of bids for the purchase of Protective Clothing Gear for the Fire Department personnel.

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda. Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

Presentations

Proclamation for Veterans Day

Mayor Galambos presented all veterans present with United States flags. She read the proclamation for Veteran's Day and presented it to the Sons of the American Revolution. She expressed the City's gratitude for the copies of the Declaration of Independence and United States Constitution presented by the Sons of the American Revolution.

Proclamation for Day for the Arts

Mayor Galambos read the Proclamation for Day for the Arts and presented it to members of the Sandy Springs Society.

Presentation to the Sandy Springs Fire Department from Kaiser Permanente

Councilmember Jenkins recognized Trey Ragsdale, Michelle Skipper and Dr. Jeffery Frye from Kaiser Permanente who came forward and presented the Friends of Sandy Springs with a check in the amount of \$1,000 for the purchase of defibrillators for the Sandy Springs Fire Department.

Presentation to the Sandy Springs Fire Department from Riverside Homeowners Association

Councilmember Jenkins recognized Lisa Hrabe, President of the Riverside Homeowners Association. Ms. Hrabe presented the Friends of Sandy Springs with a check in the amount of \$5,000 for the purchase of a thermal imager for Fire Station No. 22 at Heards Ferry.

Public Hearings

Interim City Clerk Rowland Marchiafava stated that at the regularly scheduled meetings of the month, the Mayor and City Council consider a Zoning agenda. These items include rezoning petitions, modifications of zoning, use permits, and associated concurrent variances, in addition to ordinances, resolutions, and text amendments.

The Petitions will be heard in the sequence listed on the posted agenda. She would like to acquaint you with some of the rules and procedures for this meeting.

The applicant, and all those speaking in support of an application, will be allowed a total of ten (10) minutes to present the petition. The applicant may choose to save some of the time for rebuttal following the presentation by the opposition.

The opposition will be allowed a total of ten (10) minutes to present its position. If time remains, the opposition will be allowed to rebut. Since the burden of proof is upon the applicant, the applicant will be allowed to make closing remarks, provided time remains with the allotted time.

The City Clerk's staff will be keeping track of time and will inform you periodically of the remaining time for your presentation. Those called to speak will be taken in the order that the speaker cards were received by the City Clerk's staff prior to the beginning of tonight's meeting. All speakers will identify themselves by name, address and organization, if applicable, before beginning their presentation.

The Planning Commission heard the rezoning agenda items and recommendations have been forwarded to the Mayor and City Council for consideration and disposition.

Demonstration of any sort within the chamber is prohibited, so please refrain from any applause, cheering, booing, or dialogue with the person speaking or outburst. Please show the same respect to the person speaking that you will expect to receive yourself.

In addition, the applicant shall not submit material to the Council during the meeting, unless requested to do so. All material that you wish to be reviewed by the Council in consideration of your application should be submitted to the staff of the Department of Community Development, to be included in the normal distribution of packages to the Council.

Zoning Agenda

RZ06-024/CV06-013/U06-003 – Peachtree-Dunwoody Road, Joseph Foltz, The Kessler Enterprise, Inc., from O-I conditional to C-1 for the development of a hotel and restaurant. (Second Reading)

Ordinance No. 2006-11-83

Interim City Clerk Rowland stated that the next agenda item is RZ06-024/CV06-013/U06-003 for property located on Peachtree-Dunwoody Road. She conducted a Second Reading of an Ordinance to rezone property from the O-I, office and institutional, District to the C-1, community business, District; property located at Peachtree-Dunwoody Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the applicant is requesting to rezone the property from O-I conditional to C-1 for the development of a 275 unit hotel and restaurant at a density of 84,210 gross square feet per acre. The applicant is also requesting a use permit to exceed the height allowance in the district and permit a building at 225 feet tall at 21 stories. This petition was heard by the Planning Commission on July 31, September 21, and October 19. The applicant revised the plan reducing the number of hotel rooms from 300 to 275 and removing one outparcel restaurants. This eliminated the requirement for a variance for parking. Staff recommends approval subject to the conditions listed in the staff report.

Joseph Foltz, Kessler Enterprise, Inc., stated that the applicant has been pleased to modify its application and site plan to respond to comments from the neighborhood associations and the Planning Commission over the months. The deletion of the restaurant along Roswell road allows them to comply in full with the 40 foot setback. The reduction in the hotel rooms from 300 to 275, mitigates density concerns. With these changes, the applicant will satisfy in full, the parking requirements of the Sandy Springs Ordinance.

Tochie Blod, 7320 Hunter Branch Drive, Atlanta, Sandy Springs Council of Neighborhoods, stated that Kessler has made many concessions on this site. She expressed concerns regarding the Mt. Vernon setback requirement and sidewalk requirement.

Joseph Foltz, Kessler Enterprise, Inc., stated that the Mt. Vernon setback is currently encroached by the MARTA station by approximately 12 feet. Because of the rock formation on this site, the applicant has had to spread out the parking deck which causes them to encroach into the 40 foot setback on Peachtree-Dunwoody. There will be no blasting.

Councilmember Greenspan asked the applicant to address the issue of valet parking only. Mr. Foltz explained the reason for this.

Motion: Councilmember Jenkins moved to approve RZ06-024/CV06-013/U06-003 with the following staff conditions adding 1.c and 3.j and amending 3.e:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To hotel and restaurant uses developed at a density of 84,210.84 gross square feet per acre or 285,500 gross square feet, whichever is less.
 - b. The maximum building height shall be 21 stories or 225 feet. (U06-003)
 - c. The maximum number of hotel rooms shall be limited to 275.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated October 6, 2006, except for the location of access points, which shall be approved by the City of Sandy Springs Transportation Division prior to the issuance of a Land Disturbance Permit. Said site plan is conceptual only and zoning approval does not indicate compliance with other City regulations related to transportation, stormwater, etc. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, 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 restrict designed stormwater discharge rates from the development to 75% of the pre-developed natural stormwater runoff rates for the 1 through 10 year storm events.
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Peachtree-Dunwoody Road.
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Abernathy Road.
 - d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs along entire property frontage along Mount Vernon Highway.
 - e. No less than 20% of the site shall be maintained as open/green space.
 - f. To reduce the required forty (40) foot front yard setback to ten (10) feet along the Mount Vernon Highway and Peachtree-Dunwoody Road frontages (CV06-013).
 - g. To change the required eight (8) foot sidewalk and five (5) foot bicycle lane along Peachtree-Dunwoody Road and Mount Vernon Highway to a combined eight (8) foot sidewalk and bicycle path (CV06-013).
 - h. To allow for valet parking only on the site to allow for a layout other than that required (CV06-013).
 - i. To allow for an encroachment into the ten (10) foot landscape strip at two points along the Mount Vernon Highway property frontage (CV06-013).
 - j. The owner/developer shall work in conjunction with the Sandy Springs Council of Neighborhoods to develop the landscape plan for the forty (40) foot setback area along Abernathy Road. Said landscape plan shall be subject to the approval of the City Arborist.

Second: Councilmember Paul seconded the motion.

The applicant is agreeable to all stipulations.

Vote: The motion passed unanimously.

Motion to Amend the Agenda and Vote: Councilmember Fries moved to amend the agenda by moving agenda item number 06-360, the Resolution appointing Donald Schaefer as a Municipal Court Judge. Councilmember Paul seconded the motion. The motion passed unanimously.

Mayor Galambos introduced Mr. Donald Schaefer. Mr. Schaefer provided Council with his background.

Motion and Vote: Councilmember Fries moved to approve a Resolution appointing Donald Schaefer as a Municipal Court Judge. Councilmember Greenspan seconded the motion. The motion passed unanimously.

**RZ06-039 – 5866 Roswell Road, Raj Patel and Haji Pourreza, from C-1 conditional to C-1 to divide the property and develop an office building on the rear of the site. (Second Reading)
Ordinance No. 2006-11-84**

Interim City Clerk Rowland stated that the next agenda item is RZ06-039 at 5866 Roswell Road. She conducted a Second Reading of an Ordinance to rezone property from the C-1, community business district to the C-1, community business district. The property is located at 5866 Roswell Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Raj Patel and Haji Pourreza. The application was heard by the Planning Commission at the September 21 and October 19 meetings. The applicant is requesting to rezone from C-1 conditional to C-1 to divide the subject, maintain the existing gas station and convenience store then to develop at 9,450 square foot office building on the western portion of the site for an overall density of 13,282.17 square feet per acre. Staff recommends approval conditional. The applicant has requested to withdraw the application.

Raj Patel, 5866 Roswell Road, stated that he is requesting to withdraw the application due to the Planning Commission's comments. They would like to re-examine this matter.

Motion and Second: Councilmember DeJulio moved to accept the applicant's withdrawal of RZ06-039. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnery questioned if the Council was obligated to allow the withdrawal. Assistant Director of Planning and Zoning Zehner stated that the property would be subject to the conditions recommended by staff and approved by Council. Therefore, any changes to the property would be required to comply with these conditions.

Vote: The motion failed 1-5 with Councilmember Greenspan, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, and Councilmember Meinzen McEnery voting in opposition.

Motion: Councilmember Meinzen McEnery moved to approve RZ06-039 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To maintain the existing gas station and 1,800 gross square foot convenience store on the eastern 0.538 acre portion of the site at a density of 3,345.72 gross square feet per acre.
 - b. Office and associated accessory uses on the western 0.309 acre portion of the site at density of 30,582.52 gross square feet per acre or 9,450 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated September 5, 2006. 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 fifty-five (55) feet of right-of-way from centerline of Roswell Road or ten and one-half (10.5) feet from back of curb, whichever is greater, along the entire property frontage to the City of Sandy Springs.

- b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Cliftwood Drive or ten and one-half (10.5) feet from back of curb along the entire property frontage, whichever is greater, to the City of Sandy Springs.
- c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access between the two properties. Should the owner/developer not come to an agreement on interparcel access at this time, 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, prior to the issuance of an LDP.
- d. The owner/developer shall close the existing driveway along Cliftwood Drive and shall provide a shared driveway between the gas station and the office building.
- e. The owner/developer shall install streetscape to the Main Street standards of the Sandy Springs Overlay District along the entire property frontage along Roswell Road and Cliftwood Drive.

Second and Vote: Councilmember Greenspan seconded the motion. The motion passed 5-1 with Councilmember DeJulio voting in opposition.

RZ06-040/CV06-023 – 7995 Roberts Drive, Beaver Creek Homes, Inc., from R-2 to R-3 for the development of three (3) single family lots. (Second Reading)

Interim City Clerk Rowland stated that the next agenda item is RZ06-040/CV06-023 at 19995 Roberts Drive. She conducted at Second Reading of an ordinance to rezone property from the R-2, single family dwelling district to the R-3, single family dwelling district. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Beaver Creek Homes represented by William Jakob. The Planning Commission heard this item at the September 21 and October 19 meetings. The applicant is requesting to rezone from R-2 to R-3 for the development of three single family lots at a density of 2.14 units per acre. The applicant is also requesting a concurrent variance to reduce the required lot width from 100 feet to 99 feet for each of the three lots. Staff is recommending denial of the rezoning and concurrent variance request. Should the Council decide to approve the application, staff is recommending rezoning the property to R-2a with the recommended conditions listed. The Planning Commission recommended approval to rezone the property to R-2a with the recommended conditions.

William Jakob, Beaver Creek Homes, 4855 Kitty Hawk Drive, Sandy Springs, stated that he is agreement to the R-2a rezoning. He stated that with two houses, they would still maintain a single curb cut. He is in agreement to all staff's conditions.

Fred Jewell, 1520 Bakers Glen Drive, Sandy Springs, stated that they are pleased to see the recommendation for R-2a. He expressed concerns regarding the height of the buildings and the building setbacks. He also requested additional landscaping.

Frank Farrell, 7705 Brigham Drive, Sandy Springs Council of Neighborhoods, stated that this is spot rezoning. The Sandy Springs Council of Neighborhoods joins with the neighborhoods and recommends denial.

William Jakob, Beaver Creek Homes, stated that they would work with the neighbors regarding landscape screening. He stated that the property is a mess right now. He will work with staff to develop a plan.

Councilmember Meinzen McEnery questioned if the applicant would be removing specimen trees. Mr. Jakob ensured the protection of the specimen trees.

Councilmember Greenspan questioned what would be appropriate as a condition to zoning in this situation.

Assistant Director of Planning and Zoning Zehner stated that under the R-3 zoning, the required setback is 10 feet. Under the R-2a, the requirement is 15 feet. The side setback along that side could be increased to 20 or 25 feet or consider the installation of a privacy fence or plantings to buffer.

William Jakob, Beaver Creek Homes, stated that there is existing fencing on the south side and east side.

Community Development Director Nancy Leathers stated that Council may want to consider a landscape strip that actually does screen. She suggested a 10 foot landscape strip which screens the property and a 20 or 25 side yard setback.

Motion and Vote: Councilmember Greenspan moved to defer RZ06-040/CV06-023 until the December 19, 2006 meeting. Councilmember Fries seconded the motion. The motion passed unanimously.

Mayor Galambos recognized the Sandy Springs Pages and presented each with a Certificate of Appreciation.

RZ06-041/CV06-028 – 5392 Powers Ferry Road, Meredith and Jason Russell, from R-1 to R-2A for the development of two (2) single family lots. (Second Reading)
Ordinance No. 2006-11-85

Interim City Clerk Rowland stated that the next agenda item is RZ06-041/CV06-028 at 5392 Powers Ferry Road. She conducted a Second Reading of an Ordinance to rezone property from R-1, single family dwelling district to the R-2A, single family dwelling district. Property located at 5392 Powers Ferry Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioners are Meredith and Jason Russell and Dawn. The Planning Commission heard this on October 19. The applicant is requesting to rezone the property from R-1 to R-2a for the development of two single family lots at a density of 0.74 units per acre. Staff recommends approval of the application with the conditions listed. The Planning Commission recommended approval of the application with staff's recommended conditions.

Meredith Russell, 5904 Reddington Way, stated that she and her husband, Jason and sister, Dawn, represent their family. She explained that they intend to build a home for themselves and one for her sister. She explained that the proposed density is less than what is called for by the Comprehensive Plan. She explained that they are asking for one new curb cut which will be more than 150 feet from the existing curb cut and positioned in a spot that will have the least impact on the stream buffer. They are requesting to keep the existing curb cut.

Dana Howle, 250 Pharr Road, Atlanta, read letters of support from surrounding neighbors.

Bruce Boehnlein, 5370 N. Powers Ferry Road, Atlanta, stated that they look forward to Meredith and her family moving in here. He stated that he would rather have 25 foot buffers. He expressed concerns regarding drainage from this property.

Gene Horn, 5040 Powers Ferry Road, Atlanta, expressed concerns regarding the R-2a zoning designation.

Patty Berkovitz, 800 Crest Valley Dr, Sandy Springs Council of Neighbors, stated that they are in support of this application. She expressed concerns regarding the drainage onto the property to the rear.

Robert Stein, 3500 Lenox Road, Atlanta, explained that R-2a was chosen over R-2 as a result of discussion with city staff. He explained that this issue was addressed thoroughly at the Planning Commission meeting in which staff stated that they recommended R-2a. The R-2 zoning classification would require a lot width

variance. He explained that the applicant has the same setbacks that the surrounding neighbors do. To increase the setbacks would cause and undo burden that the neighbors would not have.

Dawn Bennett, 1624 Berkeley Lane, Atlanta, 30329, assured everyone that the development will meet all laws and ordinances regarding drainage.

Councilmember Meinzen McEnery questioned what they planned to do to the grade of the property. Ms. Bennett stated that without a topography study, she could not answer this question.

Community Development Director Leathers stated that these items will be addressed during the engineering and hydrology review process. She requested that this not be made a part of the stipulations.

Discussion followed regarding the curb cuts and driveways.

Motion: Councilmember Meinzen McEnery moved to approve RZ06-041/CV06-028 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Two (2) single family residential lots at a density of 0.74 units per acre.
 - b. The minimum heated floor area per dwelling unit shall be 4,000 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated August 22, 2006. 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 from the centerline of Powers Ferry Road or ten and one-half (10.5) feet from back of curb along entire property frontage, whichever is greater, to the City of Sandy Springs.
 - b. There shall be no more than one (1) curb cut onto Powers Ferry Road

Second and Vote: Councilmember Jenkins seconded the motion. The motion passed unanimously.

RZ06-043 – 4975, 4985, 4995 Lake Forrest Drive, Mike Hill from R-3 and R-4 to R-4 for the development of five (5) single-family lots. (Second Reading)

Interim City Clerk Rowland stated that the next agenda item is RZ06-043 at 4975, 4985, 4995 Lake Forrest Drive. She conducted at second reading of an ordinance to rezoning property from R-3 and R-4, single family dwelling districts to R-4, single family dwelling districts. Property located at 4975, 4985, 4995 Lake Forrest Drive. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the applicant is Michael Hill. He is requesting to rezone the property from R-3 and R-4 to R-4 to develop five single family lots at a density of 2.67 units per acre. Staff has recommended denial of the request. Should the Council consider approving the application, staff

has prepared recommended conditions rezoning the property to R-3. The Planning Commission recommended denial of this petition as recommended by staff.

David Roberts, 4466 Outpost Ct., Roswell, requested to withdraw the application and to build within the existing zoning.

Billy Clay, 27 Spruell Springs Rd, stated that he is in support of the withdrawal.

Motion and Vote: Councilmember DeJulio moved to accept the applicant's withdrawal of RZ06-043. Councilmember Fries seconded the motion. The motion passed unanimously.

RZ06-044/CV06-029 – 9670, 9680, 9710 Roberts Drive, Dave Lefkowitz and Sam Katz from CUP to A for the development of 41 townhouse units. (Second Reading)

Interim City Clerk Rowland stated that the next agenda item is RZ06-044/CV06-029 at 9670, 9680, 9710 Roberts Drive. She conducted at Second Reading of an Ordinance to rezone property from CUP, Community Unit Plan district to the A, medium density apartment district, property located at 9670, 9680 and 9710 Roberts Drive. This will be presented by Assistant Director of Planning and Zoning Zehner

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Lefko Investments, LLC and Katz Capital, LLC represented by Pete Hendrix. The applicant is requesting to rezone the property from CUP (Community Unit Plan District) conditional to A (Medium Density Apartment District) for the development of forty-one (41) town home units at a density of 11.85 units per acre. The applicant is also requesting three (3) concurrent variance for the removal of six (6) specimen trees on the site to change the required 50 foot buffer and 10 foot improvement setback on the south property line to a 15 foot landscape strip, to change the required 25 foot side setback along the western property line to a 15 foot landscape strip. Staff recommends approval of the rezoning and concurrent variance request with the conditions listed in staff report. The Planning Commission recommended denial of the petition.

Pete Hendricks, 6085 Lake Forrest Drive, stated the application involves a 3.202 acre track of land on the southern side of Roberts Drive. This is an apartment development of Winding River. The request of scope from CUP to A apartment for development of 26 townhomes on the property. At time of submittal of application the request as for 38 units at a density of 11.88 units to the acre. The applicants request now is for a total of 26 units of a density of 8.13 units per acre. The Comprehensive Land Use Plan suggests residential development at a density range of 8-12 units per acre. The initial application was clearly within the 12 and now the application is at the lower end of that. The land plan also designates a suggestion for commercial development for the property contiguous and to the west of this at the southeast corner of Roswell Road and Roberts Drive. Contiguous and to the south of this, the Comprehensive Land Use Plan suggests a Regional live/work node. The commentary that goes with this land planning on what exactly what happens on a Regional node, is that residential density ought to exceed 20 units per acre; office and retail should exceed 25,000 square feet per acre and building heights to not exceed 8 stories. The surround densities range from 302 units at 9.75 units per acre, 16 units at 3.75 units per acre, and 288 units at over 12 units per acre. The suggested development plan that the applicant has submitted certainly fits and complies not only with the suggestion of the Land Use Plan but, what is actually in place. As far as the concurrent variances are concerned, a hardship suffered by the applicant stems from the narrow, unique elongated shape of this property. In addition to that, they are up against an apartment contiguous to the south and that is where the one request is to change for the 50 feet and 10 to a 15 foot landscape strip contiguous up against the O-I development on the west side and that is where the request is to reduce on the 25 foot building setback to a 15 foot landscape strip.

Mayor Galambos called for public comment.

Motion and Vote: Councilmember Paul moved to suspend the Rules of Procedure to allow the applicant and opposition to each have fifteen minutes to speak. Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

Lauren McDow, 9670 Roberts Drive, thanked the Mayor and City Council for all the positive changes they have made for the community and as a result of that they feel it would be a positive opportunity for 26 new families to have a chance to experience the area the city is creating and improving. Opposition concerned about this negatively impacting the economics of the area. They feel that the economic advancement of this new potential development is proven by the fact that her family would not be able to afford one of the townhomes that is being suggested to be built in this area. This would definitely be an improvement on what currently exists.

Barney Barreto, 295 A Winding River Drive, As President of Winding River Village Condominium Association he is here to represent the 202 residents directly south of the property in question. On behalf of their community he expressed their support for the rezoning of the property on Roberts Drive for the development of townhomes.

Christine Harper, 606 Brandywine Circle, stated she lives in the Lexington Crossing Townhomes on the west side of Roberts Drive to GA 400. As a homeowner, a member of the Sandy Springs Business Association, and a ten year realtor in Sandy Springs she is here to speak in support of this development. This project can only positively impact the value of their townhomes on the west side of Roberts Drive.

Trisha Thompson, 145 River Drive, Vice President at Sandy Springs Council of Neighborhoods and Zoning Chairman, stated that she hopes that Council recognizes the tremendous opposition to this project. She asked that all those in opposition to this item to stand. Approximately 40 people stood up. The Sandy Springs Council of Neighborhoods respectfully request a 120 day deferral.

Clarke Otten, 9715 Roberts Drive, stated he has been a resident of Sandy Springs for 54 years and lives across from the project being considered. The applicant has said he spoke with the neighborhood and this is a false statement. He lives directly across from subject property and has not spoke with applicant. He objects to the density issue, lack of infrastructure from traffic, sewages and the green space. He asked that Council deny this zoning request

Victor Bosah, 9650 Roberts Drive, Consulate of Nigeria, spoke in opposition of this zoning request and asked that Council deny this zoning request.

Bill Griffith, 9580 Roberts Drive, stated the reason he is here is because of the Interim Land Use Plan was passed and he thinks it is flawed. He understands that the Land Use Plan is a carry over from what Fulton County had. He hopes we do not get saddled with the mess Fulton County left us. The only difference of the Land Plan Council adopted in November 2005 and the 1992 Lane Plan is that the vast majority of the big area that has been designated for regional live/work is also designated for residential at 8 to 12 units per acre. He asked that Council deny this zoning request.

Ferrell McCormick, 9630 Roberts Drive, expressed concerns regarding noise that has been added due to the other developments in the area. This will also impact the traffic. He requested that the Council deny the request.

Sharon Druck, 102 Lexington Place, expressed concerns regarding the traffic on Roberts Drive and the look of Roberts Drive.

Pete Hendricks, 6085 Lake Forrest Drive, stated that staff has made a requirement of the conditions that the units that face Roberts Drive have the look and feel of single family residential. The applicant agrees to this. In addition to that, the townhomes being built are in the \$500,000 range. The builder is present if you have any questions.

As for greenspace, there is 60% open greenspace. The applicant has gone through a complete evaluation with the ARC and they confirmed that the applicant has the ability to do the development at 38 units. The applicant is requesting only 26 units. He referenced crimes that have occurred at the existing locations.

Mr. Hendricks stated that the designation for residential 8-12 units per acre has been on the land plan since 1992. Staff has noted that the application should be approved. He further read staff's analysis and recommendations.

Mayor Galambos asked if anyone had comments of the applicant.

Assistant Director of Planning and Zoning Zehner displayed the Fulton County 2025 Land Use Plan adopted on May 6, 1992 and the 2015 Land Use Plan that references the original adoption but also references updates on July 3, 1996 and March 4, 1998, and May 6, 1998.

Councilmember Fries stated that the City then adopted it in December 2005 and then held many public hearings in the beginning of the year until adoption on June 20, 2006. She explained that this was studied in depth. She clarified that this is the map that is used as reference when an application comes before staff. She also reviewed the current 18 month process in which there are many community input meetings. She also noted that decisions cannot be made based on the Plan currently under review as it has not been adopted by the Council.

Councilmember Meinzen McEnery questioned if the Zoning Ordinance also guided Council on these matters. Assistant Director of Planning and Zoning Zehner concurred. Councilmember Meinzen McEnery read following the excerpt from the Zoning Ordinance: "These regulations are made with reasonable consideration, among others, to the character of the districts and their peculiar suitability for particular uses, and with a general view of promoting desirable living conditions, protecting property against blight and depreciation, and encouraging the most appropriate use of land throughout the City of Sandy Springs."

Don Huffner, 9643 Roberts Drive, recited a portion of the Comprehensive Plan. He stated that this is a guide.

Councilmember Jenkins questioned what type of vested rights a property owner would have based on the Future Land Use Map.

City Attorney Willard stated that is a major consideration. He stated that the courts usually give quite a bit of weight to the Future Land Use Plan.

Councilmember Fries asked the builder to show what they are planning to build. The builder displayed previous developments.

Councilmember Paul questioned what exactly will be on this property. The builder stated that they were planning to build something similar to the displayed elevations. Councilmember Paul stated that it was his experience that developers bring elevations to display prior to approval.

Motion and Second: Councilmember Greenspan moved to deny RZ06-044/CV06-029. Councilmember DeJulio seconded the motion.

Discussion on the Motion: Councilmember DeJulio stated that the developers came to see him and lied to him about the lack of opposition by the Nigerian Consulate.

Councilmember Paul stated that he is very disappointed that there is nothing to see. He does not know what he is voting on.

Substitute Motion and Vote: Councilmember Jenkins offered a substitute motion defer RZ06-044/CV06-029 until the March 20, 2007 meeting. Councilmember Fries seconded the motion. The motion passed 4-3 with

Councilmember Greenspan, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in opposition. Mayor Galambos broke the tie voting in favor of the motion.

Unfinished Business

Approval of an Ordinance Adopting Chapter 15, Health and Public Safety for the City of Sandy Springs. Ordinance No. 2006-11-86

Interim City Clerk Rowland stated that the next agenda item is an Ordinance to adopt Chapter 15, Health and Public Safety. She conducted a Second Reading of an Ordinance to adopt an Ordinance relating to Health and Public Safety and providing for inclusion and identification in the Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 15, Health and Public Safety. This will be presented by the Fire Department.

Senior Deputy Fire Marshal Jeff Scarbrough stated that they have included the State minimum Fire and Accessibility standards in the Ordinance to be in compliance with the state requirements. They have addressed the sprinkler systems, posting of addresses and fire lanes.

Senior Deputy Fire Marshal Jeff Scarbrough stated that in section 1.11.4 specifically requires for one and two family homes less than 10 feet from the property line or less than 20 feet from another dwelling to be sprinkled in a kitchen and fuel fire equipment rooms in accordance with NFP 13D. This requirement will only affect approximately two percent of the single family homes in Sandy Springs.

Mayor Galambos questioned the reasoning behind the less than 10 feet from property line requirement. Discussion followed regarding the need for this requirement.

Motion and Second: Councilmember Fries moved to approve an Ordinance to adopt Chapter 15, Health and Public Safety for the City of Sandy Springs. Councilmember DeJulio seconded the motion.

Motion to Amend No. 1 and Vote: Councilmember Fries moved to amend Section 1.11.4 by removing the phrase "or closer than ten (10) feet to the property line". Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

Senior Deputy Fire Marshal Jeff Scarbrough stated that the section 1.11.2 requires commercial buildings over 5,000 square feet or occupancy load greater than 100 persons to be sprinkled. He explained the reasoning for this. He stated that 1.11.3 requires new apartment buildings to be sprinkled.

Senior Deputy Fire Marshal Jeff Scarbrough explained that the other changes had to do with the posting of addresses and what must be on the fire lane signs.

Bill Graham, Homebuilders Association, stated that he is in favor of this ordinance.

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

Vote on Main Motion: The motion passed unanimously.

Motion and Second: Councilmember Fries moved to approve an Ordinance to adopt Chapter 15, Health and Public Safety for the City of Sandy Springs. Councilmember DeJulio seconded the motion.

Motion to Amend No. 1 and Vote: Councilmember Fries moved to amend Section 1.11.4 by removing the phrase "or closer than ten (10) feet to the property line". Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

Vote on Main Motion: The motion passed unanimously.

New Business

Approval of a Resolution appointing Donald Schaefer as a Municipal Court Judge.

(Clerks Note: This item was moved up on the agenda for discussion and approval)

Resolution No. 2006-11-92

Reports and Presentations

There was no Mayor, Council or Staff reports.

Public Comment

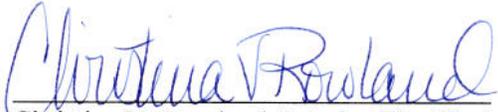
There were no Comments from the Public.

Adjourn

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 10:20 p.m.

Approve: November 21, 2006


Christina V. Rowland, Interim City Clerk


Eva Galambos, Mayor