

Regular Meeting of the Mayor and city Council of the City of Sandy Springs was held October 3, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Invocation

Rabbi Joab Eichenberg, Hadash, in Sandy Springs gave the invocation.

Call to Order

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

Roll Call and General Announcements

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

City Clerk Marchiafava introduced and welcomed the City of Sandy Springs Pages, Madeline Levore, 6th grade and Patrick Wheat, 8th Grade both from Sandy Springs Middle School.

City Clerk Marchiafava 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, Madeline Levore and Patrick Wheat.

Approval of Meeting Agenda

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

Motion and Vote: Councilmember Greenspan moved to approve the Meeting Agenda. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Consent Agenda

No Consent Agenda.

Presentation

Mayor Galambos introduced Program Director, Rick Hirsekorn.

Program Director Hirsekorn expressed on behalf of CH2M Hill and his team they are very grateful for the incredible opportunity that the City provided them. As such, they have looked for an appropriate way to recognize and memorialize that in the same way that the Mayor and Council deal with governmental issues; equal, appropriate if not over the top. He presented the Mayor and Council as well as Senior City staff with a series of pins commemorating significant events in Sandy Springs.

Mayor Galambos asked Mr. Hirsekorn to speak about the publicity that Sandy Springs and CH2M Hill have gotten in the last few weeks.

Mr. Hirsekorn stated that he will start by saying thank you because Mayor and members of the Council and Mr. McDonough who have spent a significant amount of time in the last couple of weeks talking to the press. A few weeks ago the City of Sandy Springs was on the front page of USA Today. Also interested has been Fox News, CNBC and CNN and that was in addition to an excellent article by AJC. There has been a flurry of extremely positive press coverage in all aspects of the media.

Mayor Galambos also thanked Gary Parker who has spent a considerable amount of time brokering all of these areas.

Public Hearing

Alcoholic Beverage License Applications

SSGAL06-0214

Approval of Alcoholic Beverage License Application for Trader Joe's East, Inc., d/b/a Trader Joe's #731 located at 6277 Roswell Road, Sandy Springs, GA 30328. Applicant is Trader Joe's East for Retail/Package Sale of Wine and Malt Beverage License.

City Clerk Marchiafava stated that the next agenda item is a public hearing for the approval of Alcoholic Beverage License Application No. SSGAL06-0214 for Trader Joe's East, Inc. d/b/a Trader Joe's #731 located at 6277 Roswell Road, Sandy Springs, Georgia 30328. Applicant is Trader Joe's East for Retail/Package Sale of Wine and Malt Beverage. This will be presented by Director or Operations, Don Howell

Director of Operations Howell stated that the applicant has a completed application and has paid all fees in full. However, three of the officers of the corporation are from out of state; two are from the state of Massachusetts and one from California. Staff has received background approvals from the Chief of Police from their respective state they are in but have not yet received the Federal Background Investigation, the NCIC approval. Staff recommends approval contingent upon receipt of the NCIC Report and the Sandy Springs Police Department final approval. The license will not be issued until these are received.

Councilmember Greenspan stated that his understanding for an alcohol license be issued the owners or at least one of them had to reside in the city.

Director of Operations Howell stated that requirement has been met. These officers of the corporation also have to have a background check. The owner is a resident of Fulton County.

Mayor Galambos asked if there were any public comments. There were no comments from the public.

Motion and Vote: Councilmember DeJulio moved to approve Alcoholic Beverage License Application for Trader Joe's East, Inc., d/b/a Trader Joe's #731 located at 6277 Roswell Road, Sandy Springs, GA 30328 for Retail/Package Sale of Wine and Malt Beverage License pending receipt of a clear report from NCIC and the Sandy Springs Police Department. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

SSGAL06-0215

Approval of Alcoholic Beverage License Application for Taqueria Delgado located at 7310 A Roswell Road, Sandy Springs, GA 30328. Applicant is Frances Corina Briceno for Consumption on the Premises Sale of Malt Beverage License.

City Clerk Marchiafava stated that the next agenda item is a public hearing for the approval of Alcoholic Beverage License Application No. SSGAL06-0215 for Taqueria Delgado located at 7310 A Roswell Road, Sandy Springs, Georgia 30328. Applicant is Frances C. Briceno for Consumption on the Premises of Malt Beverage. This will be presented by Director or Operations, Don Howell

Director of Operations Howell stated that this is a change of owners the new application. We found no contingencies in this. They have been operating under a temporary permit pending approval on the application and all requirements of the city have been completed and are satisfactory. The background investigation has been approved. Staff recommends approval.

Mayor Galambos asked if there were any public comments. There were no comments.

Motion and Vote: Councilmember DeJulio moved to approve the Alcoholic Beverage License Application for Taqueria Delgado located at 7310 A Roswell Road, Sandy Springs, GA 30328 for Frances Corina Briceno for Consumption on the Premises Sale of Malt Beverage License. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Councilmember Greenspan questioned if the temporary special events type license require council vote.

Director of Operations Howell stated that for an alcoholic beverage license it does not require council approval. The ordinance provides that upon recommendation and meeting certain criteria the City Manager can approve a temporary license not to exceed 60 days. We have been handling the Special Events License if they involved alcoholic beverages we have been handling those as a temporary license. It's usually for one or two days. On November 14th work session we will bring a special event process that really identifies and makes it more clearly.

Zoning Agenda

Mayor Galambos asked City Clerk Marchiafava to read the Zoning Rules.

City Clerk 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.

Rezoning(s)

RZ06-030/CV06-015 – 8475 Roswell Road (State Route 9), Joe Balloto for Popeyes, from C-2 conditional to C-2 to remove the restriction of the use of the property as a gas station only and to allow for the development of restaurant. Three concurrent variances are requested. First Reading on September 5, 2006. (Second Reading)

City Clerk Marchiafava stated that the next Agenda item No. 06-273 is RZ06-030/CV06-015. This is the second reading of an ordinance to rezone property from C-2 Commercial District to the C-2 Commercial District, property located at 8475 Roswell Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Zoning case RZ06-030/CV06-015, petitioner by Popeye's Corporation and represented by Joe Ballato. The Mayor and City Council originally heard this application at the September 5, 2006 and this is the second reading and defers consideration of the application at that time at the request of the applicant. The applicant is requesting to rezone the property from C-2 to C-2 to remove the restriction of the use on the property as a gas station only and to allow for the development of a 2,300 square foot Popeye's Restaurant. Staff is recommending approval of the rezoning and Mr. Ballato's request. The issue of continuation at the last meeting was with the single curb cut access. There was also discussion a brick façade on the building.

Joe Ballato, 260 Peachtree Street, Atlanta, stated that he represents the owners of the property, Triton and applicant Popeye's Corporation. At this time they are requesting a 90 day deferral. They are having difficulties working out some of the conditions that staff has requested. It puts burdens on the site in addition to the site is currently a brown field and they are reevaluating on whether or not to go forward with the project at this point and time. They respectfully request for two more months to try and work these issues out before coming back to City Council.

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

Motion and Vote: Councilmember Fries moved to defer RZ06-030/CV06-015 until the January 16, 2007. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

RZ06-037/CV06-021/U06-005 – 6450 Peachtree Dunwoody Road, Nathan V. Hendricks, III, from C-1 and MIX to C-1 to consolidate a portion of property purchased from Home Depot with the existing parcel for the development of a building addition on the self storage facility. First Reading on September 19,2006 (Second Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-037/CV06-021/U06-005, the second reading of ordinance to rezone property from the C-1 Community Business District and the MIX Mixed Use District to the C-1 Community Business District, property is located at 6450 Peachtree-Dunwoody Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Mayor Galambos recognized the Council Pages at this time and presented them with Certificates of Appreciation.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Dunwoody Storage, LLC represented by Pete Hendrix. The applicant is requesting to rezone from C-1 and Mixed conditional to C-1 to consolidate a 0.31 acre portion of property with the existing 1.20 acre parcel for the development of an additional 69,669 square feet of building area in addition to the existing 148,800 square foot storage facility currently being constructed. The applicant is also requesting two concurrent variances meeting a required 10 foot landscape strip and to reduce the required 10 foot sign setback from right-of-way to 0. Staff recommends approval of the rezoning, concurrent variance and use permit request with conditions limiting the property to a density of 144,681.45 square feet per acre and the site plan being proposed.

Pete Hendricks, 6085 Lake Forrest Drive, stated that this request for the petition and the expansion of that facility. The reason for the concurrent variance request is they are next to Home Depot, in their traffic truck movement area and alley area. It's to make room for the landscape strip. The other request is to accommodate the signage size and is simply to allow the movement of the signs. The actual treatment of the buildings is going to be consistent all the way around the building.

Mayor Galambos asked if there were questions from City Council.

Councilmember Greenspan questioned where the sign would be located. Mr. Hendricks stated the sign would be in the landscape strip.

Mayor Galambos thanked Mr. Hendricks for his prompt attention to her request. Her request was regarding the blank wall. She explained that they came across some fabulous murals. If the applicant likes the idea we might have the most unusual murals of anything in metro Atlanta which she thinks would be a destination where people would come and look at this.

Mayor Galambos called for public comment.

Trisha Thompson, Sandy Springs Council of Neighborhoods, stated on behalf of the neighborhood they are please to support this project. She stated that you just do not find this kind of quality anywhere else in Atlanta. It will make this corner in Sandy Springs a much nicer place.

Motion: Councilmember DeJulio moved to approve RZ06-037/CV06-021/U06-005 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a 218,469 square foot storage facility developed at a density of 144,681.45 square feet per acre (U06-005).
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on August 30, 2006. Said site plan is conceptual only and 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. Delete the required 10 foot landscape strip adjacent to property zoned MIX (Mixed Use District) along the west and south property lines (CV06-021).
 - b. To reduce the required 10 foot sign setback from the right-of-way to 0 feet to allow for the placement of the two (2) proposed identification monument signs in the landscape strips along Peachtree-Dunwoody Road and Mount Vernon Highway (CV06-021).
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Mount Vernon Highway 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.
 - d. The owner/developer shall upgrade the deceleration lane to the permitted access point on Mount Vernon Highway to City of Sandy Springs Driveway Manual standards.

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

RZ06-038/CV06-022/U06-006 – 4617 & 4627 Roswell Road; 284, 286 & 290 Hedden Street, Jeff Moore, from C-1 conditional, A-O conditional, and R-4 to MIX for the development of a mixed use office, retail, and townhouse development.

First Reading on September 19, 2006. (Second Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-038/CV06-022/U06-006, the second reading of an ordinance to rezone property from the C-1 Community Business District, the A-O, Apartment Office District, and the R-4, Single Family Dwelling District to the Mixed Use District, property located at 4617 and 4627 Roswell Road and 284, 286, and 290 Hedden Street.

Assistant Director of Planning and Zoning Zehner stated the petitioner is AJL, LLC represented by Stephen Fusco and Jeff Moore. The applicant is requesting a rezone from C-1, Conditional, A-O, Conditional and R-4 to MIX for the development of a mixed use office mini storage and residential development. The applicant is proposing to develop a 108,150 square foot mini storage office building and 51,746.41 square feet per acre for five townhouse residential units and four single family residential units. Additionally, the applicant is seeking a use current for the development of a mini storage facility and requesting a concurrent variance to locate the mini storage facility less than 1,500 linear feet from the boundary from another storage facility. Staff is recommending denial of the rezoning, concurrent variance and use permit request. There are conditions listed should the Mayor and City Council decide to approve the application. The Planning Commission recommended denial of the application as well with the vote of 6-0.

Councilmember DeJulio stated that last week he met with their attorney and was told at that time they were withdrawing this application.

Jeff Moore, 5600 Brookside Place, requested to withdraw this application.

Mayor Galambos called for public comment.

An unnamed female speaker stated that they have been in opposition of this application since January. The applicant has been meeting with them to come up with an agreement that the community could live with. To date, they have not seen any plan that has been within the land use plan requirement and are holding out for that. The land use plan does show an increase over the current zoning. There is an increase and they are willing to live with that. They are not opposed to a mixed use development at this location. They appreciate staff working with them on this and also the denial of the Planning Commission. They look forward to seeing a plan that is within the land use plan and not four times the density of the land use plan.

Jean Kelly, 4590 Winter Park Place stated she is within 300 feet of the proposed development and is President of the Winder Park Community Homeowners Association. They have been trying to come to accord with the applicant and have not seen anything that meets the land use plan.

Mary Sue McCarthy, 4615 Windsor Park Place stated she is a member of the Windsor Park Community Homeowners Association and also lives within 300 feet of the proposed project. They can reiterate enough how important it is for the homeowners that live in the neighborhood. They want to make sure this area is developed so that it is maintained, not only the integrity of the quality of life where they live but, also it follows the land use plan. All the phases of recommendations and proposals that the developer has submitted to them has exceeded the land use plan. There are other developers in the neighborhood who are doing some wonderful development in there and they want to make sure that this particular tract is development in the same way.

Councilmember Meinzen McEnery questioned if Council could condition their approval of the withdrawal based on the applicant coming back within the comprehensive land use plan. City Attorney Willard stated they could not.

Councilmember Meinzen McEnery questioned if the applicant would be bringing it back within the comprehensive land use plan.

Mr. Moore stated they were going to come back with another plan and maybe even defer this as opposed to withdraw. There are time constraints and they do not have a whole lot of information where they are comfortable with a deferral and request to withdraw and start over. Either way, they are starting over.

City Attorney Willard stated they would submit a new application

Councilmember Meinzen McEnery questioned if Council did not approve a withdrawal, then this site would not be able to come back before Council for six months.

City Attorney Willard stated that it either needed to be approved of zoning, denied of zoning or commit the withdraw.

Mr. Moore asked what the consequences of those three actions.

City Attorney Willard stated the consequences of denial the property would be under the prohibition of two years or another application to be brought back within the year of the time of the action of the Council.

Councilmember Fries stated that Council wants the applicant to work with the neighbors and staff and come back with a better proposal.

Councilmember Meinzen McEnery stated she has a comfort level that the applicant in good faith will do that.

Motion and Vote: Councilmember DeJulio moved to accept the withdrawal by the applicant for RZ06-038/CV06-022/U06-006. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Zoning Modifications

ZM06-007/CV06-024 – 6925 Roswell Road, Plantation Creek Apartments, to modify the Augmented Letter of Intent, which requires the apartment complex to maintain two parking spaces per unit (968 spaces). The petitioner is requesting a concurrent variance to reduce the required number of parking spaces under the current parking ordinance from 908 to the existing 861 spaces. First Reading on September 19, 2006 (Second Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-007/CV06-024, the second reading of an ordinance to modify conditions of a resolution by the Fulton County Board of Commissioners approving petition Z70-0163 on March 8, 1971, property located at 6925 Roswell Road.

Assistant Director of Planning and Zoning Zehner stated the petitioner is TVO, New Boston Plantation Creek, LLC represented by Pete Hendricks. The applicant is requesting a zoning modification to the Augmented Letter of Intent dated March 8, 1971, which requires the apartment complex to maintain two parking spaces per unit for a total of 968 spaces. The applicant is requesting to delete this reference all together. The site as it exists has a total of 929 parking spaces. Under the current zoning ordinance this site would be required to have 908 parking spaces. Staff is recommending approval of the request.

Pete Hendricks, 6085 Lake Forrest Drive, stated that when they initially started the application they were asking for ports of relief on two fronts. One, the old 1971 Augmented Letter of Intent, about the 968 parking spaces and the other question was they did not know if they were going to be right at the Sandy Springs Development Standards or not and asked for relief there. As Mr. Zehner has confirmed, they are beyond that second point of relief and it is no longer on the table. The folks with TVO and New Boston are here to get confirmation to some side issues that have come up as they have gone through this matter and getting some insurance to not only to the folks who would be buying the renovated complex, but complete road control has been applied. As importantly, the folks that are neighboring property owners have the comfort that that's being done. In fact, they are here and able to confirm that they are in the process of tying down \$100,000 contract for that road control and there will be certificates issued through the development on that. Also, they are here to be able to give his name and phone number for anyone in the public sector who has any questions as to the on going renovation on this. They will have his availability to be able to respond to any question. They respectfully request approval by City Council.

Raymond Penbeveran, 6925 Roswell Road stated that his telephone number is 678.592.9405.

Mayor Galambos asked if City Council had questions.

Councilmember Jenkins stated that she knew the neighbors had some concern about the barbed wire fence with the barb wire coming towards Spalding Wood and the issue of rodents. They are looking for a privacy fence instead of a decorative fence between the two properties. She requested that the applicant to get with them on that.

Mr. Hendricks stated they are looking at that. They signed a proposal today for \$100,000 with the company. They plan to completely eliminate all rodents off that property within 30 days..

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

Motion: Councilmember Jenkins moved to approve ZM06-007/CV06-024 with the following staff conditions:

1. To the owner's agreement to abide by the following:
 - a. All references to the total number of parking spaces required in the applicant's Augmented Letter of Intent received by Fulton County on March 8, 1971 shall be deleted. The subject property shall hereby be conditioned to the site plan received by the Department of Community Development dated received July 18, 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 any Land Disturbance Permit or Building Permits. 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.
 - b. To maintain the existing 929 parking spaces on the site as shown on the site plan received by the Department of Community Development dated September 25, 2006.

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

ZM06-008/CV06-025 – Crestline Parkway (17 0019LL141), Harper Properties, LLC, to modify conditions 1.a. and 2.a. to allow for the existing 48 townhome units and to substitute the site plan submitted as part of this request with the plan originally approved. To delete conditions 1.b. and 1.h., which allow an additional 59 condominium units. The applicant is requesting two concurrent variances for the installation of a pool. First Reading on September 19, 2006 (Second Reading)

Mayor Galambos stated the next two items will be discussed jointly but Council will vote on them separately. She asked Ms. Marchiafava to read both.

City Clerk Marchiafava stated that the next agenda item is ZM06-008/CV06-025. She conducted a Second Reading of an ordinance to modify conditions of a resolution by the Fulton County Board of Commissioners approving petition Z01-0057 on October 3, 2001, property located at Crestline Parkway.
(17 0019LL141)

City Clerk Marchiafava stated that the next agenda item is ZM06-009/CV06-026. She conducted a Second Reading of an ordinance to modify conditions of a resolution by the Fulton County Board of Commissioners approving petition Z05-0084 on October 5, 2005, property located at Crestline Parkway.
(17 0019LL143)

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Harper Properties, LLC to be represented by Pete Hendricks. Condition ZM06-008 is a request to modify the condition with Z01-0057; Condition ZM06-009 is a request to modify the condition Z05-0084 or the northern portion parcel. Under ZM06-008, the applicant is requesting to modify the condition one acre to reflect nor more than 48 townhome dwelling units at a maximum density of 7.37 units per acre instead of the permitted 40 townhome units deleting the Condition 1 b. which

permitted the 59 condominium units; deleting Condition 1 b. providing for a minimum hearted floor area requirements of 1,250 square feet for the condominium units and modifying Condition 2 a. substituting site plan submitted on August 1, 2006. Additionally, the applicant is requesting two concurrent variances deleting the 25 foot buffer and 10 foot improvement setback requirement and reducing the 100 foot pool setback to allow the pool to sit on the property line.

Under ZM06-009, the applicant is requesting to modify Condition 2 a. allowing for the site plan submittal on August 1, 2006 and three concurrent variances reducing the side yard setback, reducing the pool setback to allow encroachment within the required landscape strip of a driveway and parking on the east property line. Staff is recommending approval of both zoning modifications and all concurrent variance requests.

Pete Hendricks, 6085 Lake Forrest Drive, stated the first application is for the property at Crestline. When they originally zoned that, they zoned it for 98-99 units. There were to be 32 townhomes and the balance of them to become condominiums. When developing that property out it was determined that about half that density level is what makes sense to just put 48 town homes on there and no condominiums. They wanted to come back and tune that up and have it lead opposed to 32 townhomes which it did 48 and rid totally of the condominiums.

The second request was zoned and there was no further idea given to any level of their amenity package. As they went through the marketing on this development, it became very evident that a pool would be a strong point of attraction. They have come back with is right on the property dividing out these two zonings. With that, have new site plan to show this approval and do the variances and be able to accommodate the development they have presented.

Councilmember DeJulio stated this property borders on the Dunwoody Springs neighborhood. When he has spoken in the past with the residents of that they have complained that this particular project has caused a lot of run-off and build up of dirt and sludge in their lake which they have to spend \$60,000 or \$70,000 to get it cleaned out. He questioned if those residents have spoken regarding this petition.

Assistant Director of Planning and Zoning Zehner explained that staff has heard from the neighborhood. Included in the packet, was an email from John Fonk, dated August 30, 2006. Mayor Galambos questioned where the run off is coming from. Mr. Zehner stated that it is his understanding that the townhome complex is built out. He does not know if the large part of the run-off was during the construction period.

Councilmember DeJulio stated that he was led to believe that it was during the construction period and the developer refused to remediate the situation and the Homeowners Association had to spend money and have that cleaned out.

Assistant Director of Planning and Zoning Zehner explained that their email indicates that at this time, Dunwoody Springs' main concern is that unfinished historical site issues could be an indication of run-off gravel for future site development. They have requested these ongoing intense historical issues substantially be resolved in a timely manner. Mr. Zehner stated that it would be appropriate for our environmental site engineers to look at the property and verify that if there are any issues that are correctable by the applicant on the site.

Director of Community Development Leathers stated that as a part of this process staff can go back and determine whether the detention facilities on the site are operating property and are maintained property.

Mayor Galambos stated that she had heard from these residents previously and they indicated that the silt was coming from construction on GA400. She stated that this needed to be looked into and also make sure we prevent anymore.

Director of Community Development Leathers stated to the extent that it is related to any development that has been permitted we can go back and determine if they have developed in accordance with the plans they submitted and that their detention is operating properly.

Councilmember Meinzen McEnerny requested that the applicant address these issues.

Craig Harper, 1690 Ashdog Court, Marietta, stated that they have had ongoing discussions with the Dunwoody Springs Association. They have a disagreement as to the magnitude of the problem they have created. They are talking to them now and both believe there is a regional problem here, not necessarily a problem related to his site but one that needs to be regionally addressed. The ponds his site drains into drain across the street in the Costco Development. There are some issues that they have identified that indicated that pond needs a clean up. Additionally, there are two areas that drain into the Dunwoody Springs Homeowners Associations pond. One comes from this site and the other from Georgia 400. Their studies indicate that the GA 400 is the one that is predominantly polluting the pond. They are working with the Homeowners Association and Costco in the situation so they can address some issues. They have built their water control structures to plan and they have been inspected by the Georgia EPD and other environmental agencies that Dunwoody Springs has asked to come out and look at it and have received a clean bill of health. They are still in discussions with the Homeowners Association with the money issue.

Councilmember DeJulio encouraged the applicant to take all necessary steps and precautions to protect that wildlife and that area in the back.

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

Motion: Councilmember DeJulio moved to approve ZM06-008/CV06-025 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. No more than forty-eight (48) townhome dwelling units at a maximum density of 7.37 dwelling units per acre based on the total acreage zoned, whichever is less.
 - b. The minimum heated floor area per townhome dwelling unit shall be 2,250 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 on August 1, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. No more than 1 right-in, right-out exit/entrance on Crestline Parkway. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer. No new median breaks will be granted along the project frontage.
 - b. No access shall be allowed from GA 400.
 - c. Reduce the side to side separation from 40 feet to 20 feet. (Article 8.2.3.K.)
 - d. Reduce front to rear separation from 60 feet to 50 feet. (Article 8.2.3.K.)
 - e. Allow encroachment of the balconies into the 40-foot building setback as shown on the site plan. (Article 8.2.3.B.)
 - f. Delete the required 25 foot buffer and 10 foot improvement setback along the north property line adjacent to property zoned A-L (Apartment Limited District). (CV06-025)
 - g. To reduce the required 100 foot pool setback from all property lines, as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-025)

4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Reserve for Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation. from the centerline of GA 400 for the collector-distributor project as may be required by the Georgia Department of Transportation (GDOT) as indicated on the site plan referenced in condition 2.a. (the "Property"). This Property must be reserved for twelve months. If GDOT has not acquired the Property within twelve months, the property owner may utilize the Property. The property owner must provide a minimum of 30 days advance notice to the County and GDOT prior to filing for a land disturbance permit on the Property.
 - b. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

55 feet from centerline of Crestline Parkway;

from the centerline of GA 400 as may be required by the Georgia Department of Transportation.

- c. Allow grading inside the reservation area of Georgia 400 as approved by the Georgia Department of Transportation.
 - d. Improve roadway(s) along the entire property frontage with curb and gutter per Sandy Springs standards.
 - e. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - f. Provide a left turn lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - g. Inter-parcel access must be provided to the adjacent property to the north (zoning case #2001U -0017 NFC) or as approved by the Sandy Springs Traffic Engineer.
 - h. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Sandy Springs Traffic Engineer at the concept review phase.
5. To the owner's agreement to abide by the following:
 - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to the application for a Land Disturbance Permit with the Department of Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

- c. To contact the Public Works Department, Water Service Division, prior to the application for a Land Disturbance Permit (LDP) with the Department of Community Development, to meet with the Fulton County Drainage Engineer on-site.
- d. The engineer/developer is required to submit along with the application for a Land Disturbance Permit (LDP) signed documentation verifying the storm water concept plan approval.
- e. Provide at the LDP approval documentation (such as cross-section, profile, etc.) describing all existing natural streams, creeks, or draws geometry, within the proposed development boundary and provide the appropriate bank erosion protection for the conveyance system after development.
- f. The developer/engineer is responsible to demonstrate to the City by engineering analysis at the Land Disturbance Permit application that the proposed development surface water runoff conditions are controlled at the minimum predevelopment level, so that downstream conveyance systems may not be impacted, aggravate existing flooding or drainage problems nor creates new flooding or drainage problems off-site.
- g. Prior to the application for a Land Disturbance Permit, the developer/engineer shall submit to the Department of Public Works a project Storm Water Concept Plan. This concept plan shall be preliminary drawing describing (but not limited to) the proposed location of project surface water quality and quantity facilities/Best Management Practices (BMP's); the existing downstream off-site drainage conveyance system that the proposed development runoff will impact; the discharge path(s) from facilities/BMP's outlet through the downstream drainage system offsite to the appropriate receiving conveyance system downstream and any potential surface water implications.
- h. The developer/engineer is responsible to conceptually describe to the City at the storm water concept plan approval phase post development structural Best Management Practices (BMP's) to be utilized to reduce surface water pollution impact associated with the proposed development. The detail engineering analysis and specifications of BMPs shall be included as a part of the LDP storm water submittal.

Second and Vote: Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

ZM06-009/CV06-026 – Crestline Parkway (17 0019LL143), Harper Properties, LLC, to modify condition 2.a. to substitute the site plan submitted as a part of this request with the plan originally approved. The applicant is requesting three concurrent variances for the installation of a pool and to allow the proposed driveway to encroach into the required landscape strip. First Reading held on September 19, 2006 (Second Reading)

Motion: Councilmember DeJulio moved to approve ZM06-009/CV06-026 with the following staff conditions:

- 1.a. No more than 52 condominium dwelling units at a maximum density of 41.27 dwelling unit per acre based on the total acreage zoned, whichever is less. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of Sandy Springs. The total lot/unit yield of the subject site shall be determined by this final engineering.
 - b. The minimum heated floor area per dwelling unit shall be 1,250 square feet.
 - c. The maximum height of the building and parking deck shall be no more than 6 stories which includes a 4 story building over 2 parking levels.
2. To the owner's agreement to abide by the following:

- a. To the revised site plan received by the Department of Community Development on August 1, 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. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, 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 the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. All areas including detention ponds, if any, which are held in common, shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Community Development for review and approval prior to the recording of the first final plat.
 - b. Reduce the 40-foot front yard setback to 35 feet as shown on the site plan (2005VC-0177 NFC, Part 1).
 - c. To allow for an encroachment within the required front landscape strip with a driveway and parking along the east property line as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-026)
 - d. Delete the required ten (10) foot side yard setback along the south property line adjacent to property zoned MIX (Mixed Use District), as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-026)
 - e. To reduce the required 100 foot pool setback from all property lines, as shown on the site plan received by the Department of Community Development dated August 1, 2006. (CV06-026)
 4. To the owner's agreement to abide by the following traffic requirements, dedication and improvements:
 - a. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:
 - 55 feet from centerline of Crestline Parkway or as may be required by the Georgia Department of Transportation.
 - b. Reserve for Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.
 - 55 feet from the centerline of Crestline Parkway or as may be required by the Georgia Department of Transportation.
 - c. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.

5. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a (LDP) with the Department of Community Development, Development Review Division, arrange to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
 - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Department of Community Development and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
 - d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the Department of Community Development, through the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Sandy Springs has completed a model of the basin, it shall be used by the developer in the analyses.
 - e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
 - f. A draft of the Inspection and Maintenance Agreement required by Sandy Springs shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
 - g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies),

including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.

- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit, or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.
- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.
- o. The developer/engineer is required to submit a Storm Water Management Concept Plan for review and approval by the Department Public Works, prior to the application of the Land Disturbance Permit (LDP).

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

ZM06-010/CV06-027 – 5600 Roswell Road, Sembler Retail, Inc., to modify conditions 2.a., 3.c., and 3.e. to substitute the site plan submitted as a part of this request with the plan originally approved and to clarify the parking and streetscape requirements for the site. The applicant is requesting four concurrent variances for additional signage, stream buffer encroachment, and the creation of an outparcel. First Reading held on September 19, 2006 (Second Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-010/CV06-027, 5600 Roswell Road. She conducted a Second Reading of an Ordinance to modify conditions of a Resolution by the Fulton County Board of Commissioners approving petition Z05-0050 on August 17, 2005; property located at 5600 Roswell Road, State Route 9. This will be presented by Assistant Director of Planning and Zoning Zehner.

Mayor Galambos recognized City Council Pages Madeline LeVorse and Patrick Wheat and presented them with Certificates of Appreciation.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Sembler Retail, Inc. represented by Pete Hendricks. The applicant is requesting a zoning modification of condition Z05-0050 to modify condition 2 a. to substitute the site plan submitted on August 1, 2006. To modify condition 3 c. to state that the minimum number of parking spaces required is 1,333. To modify condition 3 e. to state that Main Street District streetscape standards of the Sandy Springs Overlay District shall apply to the Roswell Road on the frontage of the property along the main entrance boulevard of the site from Roswell Road. To also modify that its conditions state that the Urban District streetscape standards shall apply to the remainder of the site.

The applicant is also requesting four (4) concurrent variances to allow for an additional monument sign on Roswell Road and along the Lake Placid Drive. To allow for an encroachment into the twenty-five (25) foot impervious setback, to delete the five (5) foot landscape strip along all property lines between the Anchor A Tract and delete the required twenty-five (25) foot building setback along the south property line for the Anchor A Tract. Staff has recommended approval of the zoning modification and concurrent variance request.

Pete Hendricks, 6085 Lake Forrest Drive, stated that at the time they went through the zoning with Fulton County there was some confusion as to the Urban District or the Main Street District. They volunteered to continue the Main Street District as to the streetscapes go along Roswell Road and to come along the main boulevard entry into the property. The number of parking spaces demonstrated that is a minimum and not a cap. The concurrent variance they are asking for an additional sign from Lake Placid and an additional sign on Roswell Road. These two signs are very important to get folks in without any confusion. There was also a concurrent variance requested to be able to get into this 25 foot area of the stream buffer in the back. The big box located on the southern portion of the property has determined they require fee simple ownership of that tract. Normally they have a long term ground lease and Sembler would remain the owner of everything. They have required that they be able to subdivide the property in order to be able to get their box in their ownership. With that they had to modify and amend their application and add concurrent variances to be able to provide on both side to get rid of the landscape strips so that they did not burden the shopping center and also the building setback be relieved. That was for the accommodation of being able to subdivide the property in order to be able to provide the ownership to that parcel.

Scott McLane, 1450 S. Johnson Ferry Road, walked Council through the sign issue and what has developed as to streetscape and pedestrian presence that they want to deliver along Roswell Road.

Councilmember Meinzen McEnerny questioned what type of overlay that you anticipate if any at the entrance to the Target site.

Mr. McLane stated that the entire frontage along Roswell Road is Main Street overlay district. They are also bringing the Main Street streetscape standards into the project along Main Street. The overlay for Anchor A entrance this would fall under the urban overlay district and the streetscape that would be consistent to match what they are doing

along Main Street. They will have the same light fixtures probably the pedestrian size and not necessarily commercial size and those things that are all complimentary of what's on Main Street.

Mayor Galambos questioned what would be seen from Roswell Road. Mr. McLane displayed several renderings for the Council. Mayor Galambos questioned if the parking deck would be seen from Roswell Road. Mr. McLane stated that the face of the parking deck that is parallel with the road will show only about one level to about half a level

Mayor Galambos questioned if it would be possible for them to add the landscaping to the parking deck as was done at North Park. Mr. McLane stated that they can but, it wasn't something they were contemplating in the original plan when they went through the approvals last year. Their experience is that when it is done the levels of success are not great a lot of times but the plant materials do not fair well over the long term. There are maintenance and water issues that sometimes degrade the lower levels of the deck. They can discuss that further.

Mayor Galambos stated that she had saw in the agreement somewhere that the trees in the parking area are required every six parking spaces.

Assistant Director of Planning and Zoning Zehner stated that the applicant received a variance under their original zoning request so that they do not have to do that.

Mayor Galambos stated that there would not be much tree coverage which she believes is one great detriment she sees to the Sembler project. The perimeter is bare and she would like to see some trees on this parking lot to camouflage it. Mr. McLane stated that they can. All of the trees that they would have had in the islands are actually around the site in the buffers, along the back and along the street.

Councilmember Meinzen McEnery stated that North Park has figured out a great way that they can put those exterior window boxes. If you just put those along the Roswell Road side that could be a big benefit.

Councilmember Fries asked for clarification on the surface parking lots. Mr. McLane stated they would comply with the requirements to provide a tree for every six spaces on the surface lots which are the lots primarily on Roswell Road.

Assistant Director of Planning and Zoning Zehner stated that if the applicant is agreeable to that it could be added as a condition that the variance received shall not apply to the surface parking lots for the removal of the tree islands in the parking lot. Mr. McLane agreed to this.

Councilmember Meinzen McEnery questioned if the applicant is providing fee simple or are you giving an easement over the roadway out to Roswell Road. Mr. McLane stated that it is fee simple.

Councilmember Greenspan asked for clarification on the eight foot sidewalk verses the six foot sidewalk and where the difference sidewalks should be. Mr. McLane stated that the wider sidewalk comes in on both sides of Main Street all the way to the end. The rest of the sidewalks run along the new road underneath the right-of-way are more traditional.

Mayor Galambos called for public comment in opposition.

Trisha Thompson, 145 River North Drive, stated they have been working with Sembler the last few days to clean up the exterior of the Roswell Road frontage. Sembler has agreed to do a wonderful project which the Council of Neighborhoods would like to add as conditions. She stated that they have requested that an interior walkway and a mandatory sidewalk that fronts Roswell Road. They have also requested a Roswell Road frontage sidewalk with the greenspace with fountains and park benches. They have also added a pedestrian friendly café at the northern entrance of Publix. They now have a cut in along the northern entrance with park benches. She stated that the applicant has agreed to these conditions.

Mayor Galambos stated she appreciates the collaboration between the Council of Neighborhoods and the Prado for these great improvements.

Patty Berkovitz, 800 Crest Valley Drive, Long Island Creek Preservation Association, stated that too worked out an agreement with the Prado. They had one with them when they had the agreement with Fulton County and have made some amendments and would like them read into the record as conditions and requested that the conditions follow the land, not the owner. The conditions are as follows: A filtering system installed at the outside of the detention pond. This system will be selected on its ability to concentrate the removal of oils and petrochemical pollutants. This system will be maintained two times yearly with records available for inspections. They would also like the filtering system selected for sensitivity to nitrate, phosphates and other chemicals that might be used in garden center. This has been identified on the plan as Anchor B and this system will be maintained by the manufacture on a quarterly basis four times a year and the records will be kept available for inspection. They asked for a trench drain, with grates, to be installed across the roadway at every other catch basin on all interior roads with a down hill slope. The two identified are Road A, which is a service drive and Road B which is internal road parallel to Roswell Road. We hope this will keep our stream clean that goes right into Long Island Creek.

Mayor Galambos congratulated the Long Island Group and Sembler for being able to work these things out.

Assistant Director of Planning and Zoning Zehner stated there will be an additional review by the Design Review Board on submittal of the building permit application.

City Attorney Willard stated there has not been a written document with all of these new conditions coming in and he has some concern. This is a contractual obligation and if this is not clear and not made specifically within the action taken by the Council, it is not going to be enforceable. He suggested that this be put into an appropriate document by the Community Development Department and then brought before the Council and perhaps consider action to defer to the next meeting for that to happen.

Director of Community Development Nancy Leathers suggested that you would agree to this on principal and allow the staff to reduce this to conditions that you can then finalize at the time of your action on the minutes because your intent is clear on the documents that are here and everybody has agreed to those and we could have them for the minutes.

Assistant Director of Planning and Zoning Zehner suggested that we read the conditions as staff understands them, that the Council of Neighborhoods, Long Island Creek and the applicant agree to those and then the Council can vote on those.

Assistant Director of Planning and Zoning Zehner read the following conditions:

Condition O – the owner/developer as agreed to at the October 3, 2006 Mayor and City Council meeting shall provide for the required tree islands within all surface parking lots. The applicant agreed.

Condition P – the owner/developer shall develop the property in accordance with the detailed streetscape amenities plan as submitted at the October 3, 2006 Mayor and City Council meeting. The applicant agreed.

Condition Q – Filtering System installed at the outfall from the detention pond. This system will be selected on its ability to concentrate the removal of oils and petrochemical pollutants, the system will be maintained two times yearly with records available for inspection. The applicant agreed.

Condition R – the filtering system selected for sensitivity to nitrates, phosphates and other chemicals that might used in the gardening or agricultural environment will be placed specific to the gardening center that has been identified on the plans as Anchor B. The system will be maintained by the manufacturer on a quarterly basis with records to be kept available for inspection. The applicant agreed.

Condition S – Trench drains with grates to be installed across the roadway to every other catch basis on all interior roads with down hill slopes that are identified on plan as Road A, the service drive and Road B, internal road parallel to Roswell Road. The applicant agreed.

Motion: Councilmember Meinzen McEnery moved to approve ZM06-010/CV06-027 with the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 12,704.38 gross square feet per acre zoned or a total of 345,000 square feet, whichever is less, and including no more than one freestanding fast food restaurant with or without drive thru, a financial institution with a drive-thru and a drug store with a drive-thru. Convenience stores with gas pumps and commercial amusements are excluded.
 - b. Limit the height of the buildings to no more than 3 stories with structured parking up to 5 levels.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on August 11, 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. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, 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 the first Certificate of Occupancy.
 - b. To the Landscape Plan known as (Exhibit B) along the south property line adjacent to Carriage Gate submitted the Department of Community Development on August 11, 2006.
3. To the owner's agreement to the following site development considerations:
 - a. No more than two (2) exits/entrances on Roswell Road (SR 9). Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - b. No more than three (3) exits/entrances on Lake Placid Drive. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - c. Reduce the number of required parking spaces to no less than 1,333. (2005VC-0105 NFC, Part 4)
 - d. Allow shared parking pursuant to Article 18.2.2.
 - e. Provide streetscape standards consistent with the Main Street district in the Sandy Springs Overlay District along Roswell Road (SR 9) and along the main boulevard of the project as shown on the site plan received by the Department of Community Development dated August 11, 2006.
 - f. Provide a 10-foot front yard along Lake Placid Drive. (2005VC-0105 NFC, Part 1)
 - g. Provide a 20-foot landscape strip along the south property line. (2005VC- 0105 NFC, Part 2)
 - h. Delete the requirement of a tree island every 6th parking space. (2005VC-0105 NFC, Part 3)
 - i. Delivery hours for Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a. shall be 7:00 a.m. to 10:00 p.m. Monday through Friday and 9:00 a.m. to 8:00 p.m. Saturday and Sunday.

- j. No dumpsters shall be allowed within the area between the southern property line and rear wall of Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a.
 - k. The south wall of Anchor A retail store as shown on the site plan referenced in condition 2.a. shall be comprised of masonry material.
 - l. The exterior lighting for the Anchor A and Anchor B retail stores as shown on the site plan referenced in condition 2.a. adjacent to Carriage Gate along the south property line shall be placed on the retaining wall to the south of the building facing the Anchor A and Anchor B buildings and not on the roof of the Anchor A building.
 - m. To allow for an additional monument sign along the Roswell Road (SR 9) frontage of the property and to allow for an additional monument sign along the Lake Placid Drive frontage of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
 - n. To allow for an encroachment into the twenty-five (25) foot impervious setback of the required stream buffer along the west side of the property as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
 - o. To delete the required five (5) foot landscape strip along all property lines between the "Anchor A Tract" and the remainder of the subject site as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
 - p. To delete the required twenty-five (25) foot building setback along the south property line for the "Anchor A Tract" as shown on the site plan received by the Department of Community Development dated August 11, 2006 (CV06-027).
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:
 - 50 feet from the centerline of Roswell Road (SR 9) or as may be required by the Georgia Department of Transportation.
 - 30 feet from the centerline of Lake Placid Drive
 - b. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development at the Land Disturbance permit phase.
 - c. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.
5. To the owner's agreement to abide by the following:
- a. Prior to submitting the application for a (LDP) with the Department of Community Development, Development Review Division, arrange to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

- b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
- c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
- d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Sandy Springs has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Sandy Springs shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document

(described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.

- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit, or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.
- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.
- o. The owner/developer, as agreed to at the October 3, 2006 Mayor and City Council hearing, shall provide for the required tree islands within all surface parking lots.
- p. The owner/developer shall develop the property in accordance with the detailed streetscape amenities plan as submitted at the October 3, 2006 Mayor and City Council hearing.
- q. The filtering system installed at the outfall from the detention pond shall be selected on its ability to concentrate the removal of oils and petrochemical pollutants. Said system shall be maintained two (2) times yearly with records available for inspection.

- r. The filtering system shall be selected for its sensitivity to nitrates, phosphates, and other chemicals that might be used in a gardening or agricultural environment and shall be placed specific to the gardening center.
- s. The owner/developer shall provide trench drains with grates to be installed across the roadways at every other catch basin on all interior roads with downhill slopes. The interior roads with downhill slopes, as identified on the site plan received by the Department of Community Development received August 11, 2006, are as follows:
 - Road A (Service Drive)
 - Road B (Internal Road Parallel to Roswell Road [SR 9])

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

ZM06-012/CV06-031 – 6193 and 6207 Glenridge Drive, Masoud Zahedi, to delete condition 4.a. requiring a 55 foot area of reservation along the entire property frontage from the centerline of Glenridge Drive and a concurrent variance to reduce the required 40 foot perimeter setback to 20 feet along the entire property frontage along Glenridge Drive. First Reading held on September 19, 2006 (Second Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-012/CV06-031. She conducted a Second Reading of an ordinance to modify the conditions of a resolution by the Fulton County Board of Commissioners approving petition Z04-0075 on December 1, 2004, property located at 6193 and 6207 Glenridge Drive.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Mr. Masoud Zahedi representing himself. The property is located at 6193 and 6207 Glenridge Drive. The applicant is requesting a zoning modification to the conditions of Fulton County zoning case Z04-0075 as follows: one, to delete Condition 4a. requiring a 55 foot area of reservation along the entire property frontage from the centerline Glenridge Drive. The applicant is also requesting a concurrent variance to reduce the required 40 foot perimeter setback along Glenridge Drive to 20 feet. Staff is recommending approval of the modification and concurrent variance request. Should Council have any questions about the deletion of the reservation strip, Jon Drysdale, Transportation Division is here to address those.

Masoud Zahedi, 331 Carpenter Drive, explained his request.

Assistant Director of Planning and Zoning Zehner stated staff is recommending approval of the request. The Planning Commission does not review zoning modification requests. Several of the members of Council had questions about surrounding properties and the perimeter setbacks of those. The property immediately to the north is zoned R5A and has a required 40 foot perimeter setback and the 55 foot area of reservation. The property immediately to the south is zoned R5. There is no perimeter setback required in the R5 district and it does have the 55 foot reservation area. In the R5 district the largest setback that could possibly apply along Glenridge would be 20 feet, consistent with what the applicant is requesting although there is the 55 foot reservation in place.

Mayor Galambos called for public comment.

Richard Farmer, 6080 Glenridge Drive, requested that Council deny this application. This request makes light of the zoning and planning process. The neighborhood association would like some consistency added to preserve within the zoning and planning process. The restrictions were placed on the zoning of this property to develop new one and begin work on this site and he agreed and accepted these conditions and that is how they preceded with the process. The Council, the land use department, and the zoning board placed these restrictions on zoning and should be regarded as something more than suggestion. If they are restrictions, we should honor them with our consistent interpretation of the restriction and require the developers to adhere to these throughout the course of their development.

Masoud Zahedi, 331 Carpenter Drive, stated that this is the first time he has heard any comments from this gentleman and expressed his concerns that he waited until this was before the Council for approval to express his objection.

Trisha Thompson, Sandy Springs Council of Neighborhoods, 145 River North Drive, stated he has been here before and is a legitimate spokesperson on behalf of Glenridge Hammond Hills Homeowners Association. He is not just a fly by night Johnny come lately or Johnny Jump up. If there seems to be a miscommunication there needs to be more time.

Mayor Galambos stated she is not sure that she understands this petition. She asked if the houses were going to front on Glenridge or front on the new street.

Assistant Director of Planning and Zoning Zehner stated they would front on the new street. This will actually be their side yard.

Councilmember Greenspan stated he has an issue with Condition 2 in relation to the other homes on the street because as he understands it this will protrude out further closer to the road than it's neighbors on either side.

Assistant Director of Planning and Zoning Zehner stated that is true and it is due to the reservation on the property to the south, not due to the setback required on the property to the north, the perimeter setback. There is a 40 foot setback on the property to the north and that is an additional 15 feet due to the reservation and then on the south there is no perimeter setback but there is the 55 foot reservation.

Councilmember Jenkins stated that the 55 foot reservation was in anticipation of widening Glenridge which we have now taken off CIP. Therefore, the City does not need the 55 foot reservation anymore. Mr. Zehner stated that is correct.

Mayor Galambos asked for clarification on how much land would be left between the house and the curb.

Assistant Director of Planning and Zoning Zehner stated the applicant is asking for a reduction down from 40 down to 20 feet. Councilmember Fries explained that there is already a wall up.

Councilmember Meinzen McEnery stated that she did not see any neighborhood opposition in the packet.

Assistant Director of Planning and Zoning Zehner stated staff was not contacted by any neighbors with regard to this application. The ones that did show up at the Community Zoning Information Meeting were from the property immediately to the north and were just wondering where the setback reduction was and when they found out it was on Glenridge and not on their properties that released any of their other concerns.

Councilmember Fries explained that there is a wall already there on the street. There is a 55 foot reservation for widening the road and the City is not going to do that anymore therefore, he wants to build the houses a little closer to that wall and why he could not do it in the 55 foot reservation is we do not want to have to pay for that house to be put there.

Motion: Councilmember Jenkins moved to approve ZM06-012/CV06-031 with the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. No more than 9 total dwelling units, at a maximum density of 4.5 dwelling units per acre, whichever is less based on the total acreage zoned.
 - c. The minimum lot size shall be 5,000 square feet.
 - d. The minimum heated floor area per dwelling unit shall be 2,400 square feet.

2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Department of Community Development on August 29, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following site development considerations:
 - a. No more than 1 exit/entrance on Glenridge Drive. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - b. All recreational and other open areas held in common, if any, and detention ponds shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Community Development for review and approval prior to the recording of the first final plat.
 - c. Provide a masonry and wrought iron fence along Glenridge Drive.
 - d. Houses shall be constructed of materials consisting of brick, rock, true stucco, cementous planks, and cementous shakes.
 - e. To reduce the required forty (40) foot perimeter setback to twenty (20) feet along the entire property frontage along Glenridge Drive. (CV06-031)
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:
30 feet from centerline of Glenridge Drive.
 - b. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
 - c. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the Sandy Springs Traffic Engineer at the concept review phase.
 - d. No lot shall be allowed direct access to Glenridge Drive.
5. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a (LDP) with the Department of Community Development, Development Review Division, arrange to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.

- c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Public Works Department arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
- d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the Development Review Division, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Sandy Springs has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Public Works. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Sandy Springs shall be submitted to the Department of Public Works with the Storm Water Concept Plan.
- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.
- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit or Building Permit associated with the development.

- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the City by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all and approved incidental flows from developed lots or parcels, individual residences or building structures.
- n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.

Second and Vote: Councilmember Fries seconded the motion. There was no Council discussion. The motion passed 5-1 with Councilmember DeJulio voting in opposition.

Unfinished Business *(none at this time)*

New Business

Approval of an emergency change order for the purchase of fire apparatus equipment.

City Clerk Marchiafava stated that the next agenda item is the approval for an emergency change order for the purchase of fire apparatus equipment. This item will be presented by Steve Rapson.

Director of Finance Rapson stated that this is an addendum to the previous purchase order Council approved for the apparatus. We took the very first purchase order to City Council and included \$550,000 for the equipment that we would need to actually put on the quints and ladder trucks. Now that we have a Fire Chief he has done a

comprehensive analysis working with the vendors and he has determined that he needs about \$300,000 worth of additional equipment to actually staff those trucks adequately. This is everything from the hoses to everything else they need for each piece of equipment. There is enough money within the lease to actually facilitate this change order. This will actually take us right at the \$5,000,000 cap and will not increase the budget at all.

Motion and Vote: Councilmember Fries moved to approve an emergency change order for the purchase of fire apparatus equipment. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance granting a franchise agreement with Atlanta Gas Light Company.

City Clerk Marchiafava stated that the next agenda item No. 06-334, an approval of an Ordinance granting a franchise agreement with the Atlanta Gas Light Company. This will be presented by Director of Operations Don Howell.

Director of Operations Howell stated that this is the final step for the Atlanta Gas Light Franchise Agreement. The Atlanta Gas Light Agreement was approved on December 27, 2005 by City Council along with Georgia Power, BellSouth and Comcast. Subsequent to that date, we have passed ordinances actually finalizing and documenting final negotiated agreement. Georgia Power, BellSouth and Comcast ordinances were approved by Council in May and it has taken us to this point with Atlanta Gas Light to get to that point. They had some problems with their databases and verifications and so on with customers. They have been collecting franchise fees since December so we will receive a full year. He noted that they have verified to staff that the franchise payment should be about \$719,000 as opposed to the \$700,000 that we budgeted and we should get a check any day.

Councilmember Meinzen McEnery asked if he could confirm that when they are operating in our right-of-way that they will comply with our utility installation policy as it affects trees.

Director of Operations Howell stated it leads us to the next year negotiations that we are about to enter into now with all the franchisee a 20 to 30 year long term franchise. Atlanta Gas Light and the others have asked that we require permits and require that they comply and notify us if they have to do any tree removal or tree trimming that will be covered. They are contesting the payment of fees and that matter is being looked at by the City Attorney along with their attorneys. To answer your question, compliance with notification to us if they need to remove or alter or trim any trees will be a requirement. The only exception to that is in case of an emergency. If it is an emergency they can do what they need to do in the right-of-way. He stated that they are required to get a permit and show plans of exactly what they are going to do. We have a right-of-way specialist that reviews those.

City Clerk Marchiafava read the Ordinance into the record.

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

Motion and Vote: Councilmember Fries moved to approve an Ordinance granting a franchise agreement with Atlanta Gas Light Company. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of Appointments to the Sign Ordinance Review Committee.

City Clerk Marchiafava stated that the next agenda item is the approval of Appointments to the Sign Ordinance Review Committee. This will be presented by Mayor Galambos.

Mayor Galambos stated we are not quiet ready to move ahead with the Sign Ordinance and she has been informed that we will be moving ahead on the billboard portion of the Sign Ordinance but not the other portion. The work load is such now that there just is not sufficient staff at this point to move right ahead. There has been some anxiety on the part of some councilmember's that she has not provided the list. Please rest assured that there will always be a list when there will be appointments.

City Attorney Willard stated that at the next work session staff will come with recommendations for the Council to consider as to the sign ordinance on a basis of putting into place and new form of ordinance modeling much to the Fayette County Ordinance until there is a full study committee.

Reports and Presentations

Mayor Galambos stated that both she and the City Manager will be out of town for the regular meeting, November 14, 2006. However, we do need to meet to go over fiscal plan so she is taking this opportunity to see if Council would consider November 16 as a Special Meeting on fiscal planning. Then the question came up if we would want another work session in November to make up for the fact that we aren't going to have one. We will have to leave this open because we have some schedule mix ups. We definitely will not be meeting on November 14 and is changed to November 16. Any additional changes we will discuss next week.

Public Comment

There were no public comments.

Adjourn

Executive Session-Potential litigation

Motion and Vote: Councilmember DeJulio moved to adjourn to Executive Session to discuss potential litigation matters. Councilmember Fries seconded the motion. The motion passed unanimously. Executive session began at 9:00 PM.

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion passed unanimously. The meeting adjourned at 9:30 PM.

After no further discussion, the meeting adjourned at 9:30 P.M.

Date Approved: November 8, 2006


Christina V. Rowland, Interim City Clerk


Eva Galambos, Mayor